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POLITICAL, SOCIOLOGICAL, AND MILITARY AFFAIRS
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INTERNATIONAL AFFAIRS

WHAT SOCIALIST BLOC COUNTRIES EXPECT FROM BELGRADE

Bratislava PRAVDA in Slovak 14 Jun 77 p 6

[Article by H. Derszyova: "A Deliberate and Constructive Approach--Attitude of the Socialist Countries to the Belgrade Conference"]

[Text] The Belgrade meeting of the representatives of the countries which participated in the Conference on Security and Cooperation in Europe is at hand. The international atmosphere, however, has been marked already for quite a while by the sign of preparations for that so far only preliminary session whose purpose is to set the time, place and program for the main meeting to be held probably in the autumn of this year. Again, the characteristics and yardsticks which appeared here are familiar from the years of sessions of the all-European conference itself. Although this involves an event which cannot compare with the Helsinki Conference and which is rather a meeting dealing with the compliance with the Final Act, the yardsticks are similar. This concerns the type of the approaches of one or another country or countries to the problems of security on the European continent. Among them, understandably, constructive attitude and sobriety are put in the first place. As a matter of fact, what else but precisely a deliberate, rational approach is required for the effort to fulfill the historic decisions of the conference, many of which are already being fulfilled, while others still have not been touched since the signing of the Final Act. A deliberate approach is needed particularly in this period which is characterized by unbridled anti-Soviet campaigns of the West flirting with cold war methods and not only aspiring to influence the mass communications media but lately jeopardizing the favorable development of relations between the countries of the West and East.

When the new Warsaw Pact Organ--the Committee of Ministers of Foreign Affairs--met recently in Moscow to coordinate the attitude of the socialist countries before the Belgrade conference, it was not its objective to answer such unsubstantiated attacks and invective which aggravated the world atmosphere. The communique of that meeting assessed first of all the results of the hitherto favorable effect of the Final Act of Helsinki and summarized the further initiative that could contribute toward its broader fulfillment. This involved measures taken in the same spirit--measures aimed at one goal only: gradual relaxation of tensions between the military pacts.

To be sure, the heretofore most relevant Warsaw Pact initiative--the successful Conference on Security and Cooperation in Europe--proved as well that the progress toward genuine security cannot be achieved by reinforcing military potentials, only by political measures which would reduce tensions and increase mutual trust.

It is obvious that the road ahead will proceed only by gradually overcoming the division of Europe and the world into military blocs. And that is exactly the goal that all the previous initiative of the socialist countries has aimed at. The proposal of the November meeting of the Warsaw Pact Political Advisory Committee demanded that at least for the present military blocs be prevented from expanding and new blocs forbidden to form. However, even the situation where due to the Western intransigent position no agreement on armed forces and arms limitation in Central Europe can be achieved, as the proceedings of the Vienna negotiations have conclusively illustrated--the situation where an enormous European arsenal of the latest types of arms has been growing constantly and where scores of foreign bases still remain on that continent, demonstrates that certain measures are unavoidable in that area. The Political Advisory Committee's declaration therefore reminded: "To stop the hectic arms race, to achieve disarmament, primarily nuclear disarmament, and to eliminate the threat of a world war, those are the most timely and urgent tasks of our time."

The Warsaw Pact states took upon themselves the obligation to cooperate actively in the solution of those constructive tasks. At the same time they submitted a new proposal which expressed again their profound interest in dispelling the threat of a nuclear war as much as possible. According to it, the countries participating in the Helsinki Conference should take upon themselves the obligation that they would not be the first to use nuclear arms against each other. This is indisputably an initiative which would firmly guarantee security of the European continent. Its fulfillment would lead to a substantially faster and more thorough fulfillment of the Final Act; it would offer a great chance for the disarmament efforts; it would mean an impulse for further collective progressive measures, not to mention its effect on the growth of trust between the states.

The Warsaw Pact Committee of Ministers of Foreign Affairs could confirm with satisfaction the fact that the political and economic relations and contacts of the participating countries had become generally more active and also the fact that an objective approach to such universally beneficial ideas, which the Soviet Union suggested some months after the conclusion of the all-European conference, has now begun to predominate. The committee proposed the convocation of all-European conferences which would review and solve problems common to that continent in connection with environmental protection and with the development of transportation and power engineering on a continental scale. Summing up these uncommon proposals the committee stated in conclusion that the Warsaw Pact countries would do all they can to make the progress and the results of the Belgrade meeting correspond with the historical tasks promulgated by the Helsinki Conference.

Nevertheless, who could disregard the abyss between such a serious approach toward the vitally important problems of security of the European continent and the approach of those who may be giving constant pledges that they would be watching over Europe's peace but whose actions are something else. The annual 3 percent increase in the arms budget, which the organs of the NATO member states affirmed at their meeting in May, after all best demonstrates the Western politicians' dangerous equivocation. And yet, despite such old practices and certain anomalies in the process of detente, there is a general conviction that the European conference and its Final Act has strengthened the security of all participating countries. Such as indisputably experienced politician as the West German Chancellor Schmidt confirmed this, stating that in his opinion the danger for Europe has been reduced and that his government would do everything so that the Belgrade meeting might proceed in the same spirit. Representatives of France, Italy, Belgium, Denmark, Turkey, Greece and many other states expressed similar standpoints.

The most contradictory appears to be the attitude of the United States. Following some unpleasantly harsh critical voices from West Europe and the rest of the world, the American representatives obviously have not determined to what extent to burden the Belgrade meeting with their unsubstantiated attacks against the socialist countries--attacks which should create an atmosphere of pressure. To be sure, if we compare for example the pre-Belgrade statements by Secretary of State Vance, Vice President Mondale, the leader of the U.S. delegation in Belgrade Albert Scherer and the text of President James Carter's report to the so called U.S. Congressional Committee for European Security, we notice an obviously excessive stress on the enforcement of those tendencies which the socialist states have characterized on many occasions as an attempt to intervene in their internal affairs. Most aggressive is President Carter who, according to the Associated Press on Monday, "accused the Soviet Union of trying to minimize the decisions of the Helsinki Conference on human rights by emphasizing the problem of security and cooperation in Europe." The news agency continues: "The President hopes that the meeting will concentrate on reviewing the compliance with the decisions on human rights." Thus again accusations are cast against the socialist countries and that from the mouth of the representatives of a country which today has the least moral right to dub itself as a judge and as "the leader of the new world system"--as proclaimed by the godfather of the "noble struggle for human rights"--the President's closest advisor Zbigniew Brzezinski. It is precisely the U.S. government that has been keeping the fascist junta in Chile above water; that has been supporting for decades inhuman racist regimes in Africa; that is maintaining the unjust course of the Middle East crisis; that cannot get rid of the everlasting shame of its recent genocidal war in Vietnam. It cannot make accusations against others from such a moral position and what is more--totally false accusations; from such a moral position it cannot push into the background the most relevant questions concerning the security of

Europe and of the world and simultaneously utter assurances that "it is interested in enforcing the greatest possible number of principles of the Helsinki Final Act."--Is that any criterion of sobriety and constructivity of which the authors of the slanderous campaigns are also boasting?

In the past days, at the conclusion of the French Week in the USSR, the CPSU general secretary Leonid Ilyich Brezhnev expressed his position on the Belgrade conference. He said: "We would want this meeting to continue in developing the spirit of Helsinki and to become an additional link in the process of detente. Could this be achieved? Yes, it could if we prepare for the meeting and organize it as an action of cooperation and not as a skirmish. And whoever would try to lead it in another direction, he would have much to answer for." The genuine character and the weight of his words will probably mark most the Belgrade atmosphere because they could not be said at a more appropriate time in a more fitting tone.

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INTERNATIONAL AFFAIRS

JOINT GDR-SOVIET PUBLICATION OF 'HISTORY OF USSR' REVIEWED

East Berlin NEUES DEUTSCHLAND in German 9-10 Apr 77 p 10

[Review by Prof Dr Gerhart Hass of 'Geschichte der UdSSR. Von den Anfaengen bis zur Gegenwart' (History of the USSR. From the Beginnings to the Present); written by an authors' collective headed by Guenter Rosenfeld; published by VEB Deutscher Verlag der Wissenschaften (German State Publishing House of the Sciences), East Berlin, 1976; 681 pp, 10 multicolored maps, 29 marks]

[Text] Six decades ago, the working class, led by the Leninist party, allied with the working peasants, was victorious on 1/6 of the earth in the fight against capitalist exploitation and social and national oppression. The Great Socialist October Revolution ushered in the epoch of mankind's transition from capitalism to socialism.

This history of the world's first socialist state imparts to all progressive people--communists, socialists, fighters against imperialism, against colonial, racist, and national oppression--lessons for recognizing the road leading to a socialist future full of human dignity. It is the purpose of this "Geschichte der UdSSR" to impart these lessons to the present-day younger generation. The authors of this text book, which has been approved for universities and colleges in the GDR, describe the multiplicity of development problems of the peoples of the USSR from their more than 1,000 years of history prior to 1917 and their mighty, creative advance from the Great Socialist October Revolution to the 25th Congress of the CPSU.

Cooperation between Historians of the Soviet Union and the GDR

This work is an essential contribution to our study of history on the occasion of the 60th anniversary of the Great Socialist October Revolution. The book at the same time documents a higher quality in collaboration between scientists of the USSR and the GDR. Historians from both countries collaborated as authors on the basis of a common concept. The history section of the Humboldt University in Berlin and the history faculty at the Moscow State Lomonosov University were responsible for preparation. These two institutions include members of the team of authors, mostly advisors and experts. Through this form of teamwork, which so far has been little used

in history, they charted promising new ways for collaboration among researchers from both countries. Thanks to the cooperative relationships, it was possible to tie the many years of discoveries and research results of many Soviet specialists organically in with the results of historical research in the GDR.

The volume contains not only the history of the class struggle in the country and relations with other states but also the development of progressive ideas and movements as well as Russia's and the Soviet Union's culture. Two thirds of the book are devoted to the Soviet period and the teachings of socialist and communist construction.

The first chapter (author: A. M. Zakharov) deals with "The Peoples on the Territory of the Present Day USSR during the Time of the Pre-Capitalist Social Formation,"

The second chapter, "Russia during the Epoch of Capitalism (1861-1917)" takes us from the abolition of serfdom to the 1917 bourgeois-democratic February revolution (authors: Sonja Striegnitz and Guenter Rosenfeld).

"The Great Socialist October Revolution and the Construction of Socialism in the USSR (1917-1937)" is the title of the third chapter written V. M. Zelunskaya and V. S. Drobyshev.

The heroic achievements of the peoples of the Soviet land in the fight against fascist aggression and during the homeland's reconstruction are being paid tribute to in the fourth chapter entitled "The USSR on the Eve of and during the Years of the Great Fatherland War and the Period of Consolidation and Development of Socialist Society (1938-1958)" (authors: V. M. Zelunskaya, V. S. Drobyshev, Horst Schuetzler).

The fifth chapter, "The USSR on the Road of the Perfection of the Developed Socialist Society and the Construction of Communism" (authors: Peter Pankau and Guenter Rosenfeld) takes us from 1958 to the present and among other things deals with the 25th Congress of the CPSU and the worldwide effect of its foreign policy initiatives as well as the tasks in all fields of social life for the 10th Five-Year Plan from 1976 until 1980, tasks which point to the future.

The volume also has 10 historical maps. They make it easier for the student to place the events illustrated in terms of space. Some of the maps are multicolor and deal with such high points of history as the Kiev-Rus, the peasant uprisings under the leadership of Stepan Razin and Yemelyan Pugachev, the triumph of Soviet power, the founding of the USSR, as well as socialist industrialization in the Soviet Union.

For reasons of space, the authors had to concentrate on the basic features of social development. A comprehensive bibliography of German-language and Russian-language titles therefore presents further literature on the individual chapters.

"Geschichte der UdSSR" is also an important contribution to the dispute with bourgeois historiography. Emphatically, the book refutes the thesis, presented with greater stress in recent times, to the effect that Russia's development, including the victory of the October Revolution and of socialist construction, took a separate course, away from the main development lines of mankind. Such rather transparent assertions pursued the rather everyday political intention of denying the example and model effect of USSR history and especially the general applicability of the essential features of the Great Socialist October Revolution. They are intended to counteract the steadily growing force of attraction of real socialism, such as it is being implemented in the USSR and the other states of the socialist community.

On the other hand, the study of the history of the USSR, from its beginnings to the present, casts light on the world historical significance of the Soviet Union with regard to the construction of a socialist society. Many peoples underwent a widely differing development until 1917 on the territory of the USSR. In describing the history of the early feudal states, the Kiev-Rus, Novgorod, Pskov and Vladimir, as well as the rise of Moscow and the development of capitalism in Russia, the authors prove that the development of the peoples of the Russian empire took place fundamentally according to the general laws of history, as in the case of the other peoples of the earth.

Close reciprocal relations developed rather early between the Russian workers and the working masses of other peoples of the Russian state. As the authors observed, there developed above all "the common class struggle against the oppressors and exploiter classes which even at that time laid the foundations for the brotherly bonds and internationalist solidarity of the peoples of the Soviet Union" (p 5). The fact that, on the territory of the USSR, in one state, many peoples with differing development levels, different culture, language, and religion, entered the 20th century, lends this historical process an exemplary character.

In this connection, the authors explain that the new-type revolutionary worker party, the Leninist party, "lawfully emerged from the aggravation of contradictions within the international system of imperialism, from the new forms of the class struggle, and from the need for decisively fighting against opportunism, which had arisen as an agent of the bourgeoisie in the worker movement" (p 149). It is indicated clearly here that the Leninist phase in the development of Marxism is not a national Russian peculiarity but rather opened up a necessary new step in the international worker movement.

All-Around and Complete Liberation of the Entire People

In analyzing the character of the October Revolution and its results, the authors show that the all-around and complete liberation of the working people from oppression and exploitation began in 1917 and that new conditions and possibilities arose for eliminating wars from the life of the peoples. With the help of facts, the authors prove that the full unfolding of all creative abilities and talents of the popular masses became possible only through the socialist revolution. A new socialist democracy sprang up which

--as V. I. Lenin wrote--is "a million times more democratic than any bourgeois democracy" (1) because it creates and guarantees the decisive prerequisites for the freedom of the individual personality: the right to work, education, and recreation, full employment, and the development of the most advanced science and culture as well as social security.

Imparting the history of the construction of socialism and communism in the USSR is of great theoretical and practical significance for all states that have walked and are walking the socialist way. The authors subdivide the 60-year history of the Soviet Union into three major periods: the transition from capitalism to socialism (1917-1937); the consolidation and development of socialist society on its own economic base (1938-1958); the developed socialist society and the buildup of communism (from the end of the fifties to the present).

During that period of time, the USSR walked ahead of the peoples on the road to the classless society in the implementation of the CPSU program. Generalizing, L. I. Brezhnev had the following to say on this: "The way that has led Russia to socialism is the main road of world history and of all human civilization. Considering the peculiarity of Russia's conditions, the October Revolution fashioned the most important tendencies, the main tendencies of an entire historical epoch of transition--the epoch of transition from capitalism to socialism--which was prepared by the entire course of the world's social and economic growth" (2).

On the basis of the level achieved in USSR economic and political development on the eve of the 60th anniversary of the Great Socialist October Revolution, the authors present the outlook for the future development of society in the Soviet Union, the changes in the social structure of Soviet society as a result of the construction of the material-technical base of communism.

The advance of the Soviet Union after the victory over Hitler fascism and the creation of the community of socialist states took place during all stages amid the closest collaboration with the socialist brother countries, the communist world movement, and the worldwide fight against imperialism. The detailed presentation of efforts made by the USSR to carry out the complex program of the CEMA, its support for the construction of socialism in the GDR and in other socialist states--these make it clear how the Soviet Union implemented its internationalist principles.

Starting with the peace program of the 25th Congress of the CPSU, which contains the continuation of the policy of detente and the effort to make it irreversible, we are shown that the implementation of the consistent peace policy is taking place in a complicated international process. This process is characterized, on the one hand, by the continued existence of imperialism, which features exploitation, oppression, and war, but which however has lost the historical initiative, and, on the other hand, the growing strength of socialism.

Most Experienced Party of International Revolutionary Movement

After studying "Geschichte der UdSSR" the reader inevitably arrives at the conclusion that, during 60 years of Soviet power, the yearnings, expectations, and, once upon a time, unfulfilled hopes of hundreds of millions of oppressed, tortured people deprived of their rights, the boldest Utopias of the peasant leaders Bolotnikov and Pugachev, the dreams of the revolutionary democrats Herzen, Dobrolyubev, and Chernyshevskiy, as well as the fighting goals of the revolutionary worker movement were implemented in real life.

Based on Marxism-Leninism, the CPSU continues "the great historical work for which the Leninist guard of October" (3) fought. During these more than 60 years, the party of Lenin became the most seasoned and experienced party of the international communist movement. The fundamental significance of this realization for the present was emphasized clearly by Erich Honecker at the Ninth Congress of the SED: "The further the Soviet Union advances on the road to communism, the more clearly does the general validity of this treasure of experience emerge" (4).

FOOTNOTES

1. V. I. Lenin, "Werke," Vol 28, p 247.
2. L. I. Brezhnev, "Auf dem Wege Lenins," Vol 2, Berlin, 1971, p 83.
3. "On the 60th Anniversary of the Great Socialist October Revolution-- 31 January 1977 resolution of the CPSU Central Committee," NEUES DEUTSCHLAND, 4 February 1977.
4. Erich Honecker, "Bericht des ZK der SED an den IX. Parteitag," Berlin, 1976, pp 12-13.

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CZECHOSLOVAKIA

IDEOLOGICAL STRUGGLE CARRIED OUT BY MASS MEDIA

Prague NOVA MYSL in Czech No 5, May 77 pp 53-75

[Article by Zdenek Sumbera, director of the Institute for Theory and Practice of Journalism, Faculty of Journalism, Charles University, Prague: "Ideological Struggle and Mass Information and Propaganda Media"]

[Excerpt] For its disruptive ideological subversion anticommunism has attempted, particularly in recent times, to exploit the so-called internal-opposition networks within socialist countries. Such a strategy is neither new nor original. Anticommunism has always tried to find "kindred spirits," exaggerated their number and influence and endeavored, by all kinds of appeals and psychological tricks, to gain a broader support for the antisocialist and anti-Soviet forces from the masses of the working people in socialist countries.

An endless number of examples could be offered, and not only from the recent period, in which the bourgeois mass information and propaganda media displayed a stunning case of myopia and, sometimes, even turned totally deaf and blind when informing about the situation in the socialist countries and when selecting topics for presentation to the population in capitalist states. On the one hand, they would shut their eyes before the objective reality in socialist countries; they would not wish and still do not want to see the positive changes in every area of social life so that, on the other hand, they could expound and exaggerate some individual, not overly essential, facts and comment extensively on certain individual's defection. M. Efimov states: "Those journalists who are following the orders of the owners of press monopolies, therefore, do not spare their ink when smearing over the negative phenomena of the life in the USSR. Most of them are gleaning them from the critical reports in the Soviet press. Only we are reporting more critically on our problems and shortcomings in the Soviet press. Anybody can ascertain that fact for himself. It is sufficient to open LITERATURNAYA GAZETA or KROKODIL, to join a discussion in some club or at the congress of creative workers. However, Western correspondents prefer to be in contact by telephone with Sakharov's housekeeper or to avail themselves of similar, equally 'authoritative' sources." (TYDENIK AKTUALIT No 3, 1977)

Anticommunist propaganda has demonstrated such an attitude not only in relation to the Soviet Union but also to Czechoslovakia and other socialist countries. Lately, in particular, it has devoted unprecedented attention to some acts (letters, pamphlets and other expressions) reminiscent of the petition sent to the king of England by three London porters which began: "We, the English people..."

Soviet PRAVDA aptly characterized this wave of slanderous and provocative campaigns: "On the pages of newspapers and magazines, on the radio and television in many Western countries, an unparalleled sensation has been stirred up around an antisocialist pasquinade, the so-called Charter 77, concocted by a group of right-wing counterrevolutionaries who had shown their true anti-Soviet faces in Czechoslovakia in 1968. Some kind of a campaign is going on for the defense of 'workers' rights' which allegedly had been violated in Poland. The sensation around the measures adopted by the German Democratic Republic in defense of its legal rights is not quieting down. A considerable uproar occurred also in connection with the wretched handful of elements with anti-Soviet leaning who are slandering their fatherland and their people. They are allegedly being persecuted in the USSR only because they hold 'different views.'" (PRAVDA 12 February 1977)

Upon a comprehensive look at the activity of the bourgeois press, radio and television, it becomes evident that the slanderous campaign around the so-called dissidents is a premeditated and coordinated subversive action timed according to the needs of anticommunist political and ideologically subversive centers.

The term "dissident" was originally used by anticommunist propaganda only to designate the so-called opponents in the Soviet Union. Now that term pertains to all those individuals who are expressing their critical and hostile attitude to the socialist system in a manner contrary to valid social norms, laws and customs. Increasingly more evident is the effort to present the so-called dissident movement as a widespread, opposition movement which is not only a vestige of the former society but also a product of the socialist system. Efforts to "integrate" the so-called dissident movement with the activity of the emigration from all socialist countries are also growing stronger. For that purpose the political emigration has been described as a foreign component of the so-called domestic opposition in socialist countries. Moreover, there were attempts to link the broadly conceived dissident and emigre movement with those ideological groups of the workers' movement in the West which are advocating the theories of democratic socialism and the conceptions of specific roads to socialism. Such efforts are nothing else but a symptom of an already previously employed anticommunist strategy to join with all kinds of reformism and revisionism in order to disgrace socialism in the eyes of the world public and to mislead the nations of nonsocialist countries.

In every society there are persons suffering from paranoid psychoses and conditions, discontent, persecution complex, pathic emotional irritability, etc. Although psychopathy, for example, cannot be regarded simplistically as only a complex of negative psychological characteristics which are directly connected with criminal behavior or with another socially injurious activity, the actions of psychopaths and other mentally ill persons are not always innocuous and harmless. If their aberrant convictions about their extraordinary lifelong mission, their belief that they are unique and exceptional in the world around them, and their proclivity toward exaggerated emotions lead them to activities that endanger and injure the society, then it is entirely natural that various protective measures are used against them. The socialist society prevents the acts and figments of such people from harming social relations and endangering social and moral values. Thus, it also prevents mass information and propaganda media from disseminating figments, attitudes and views of mentally ill persons.

In the socialist society, this matter is self-evident and surprising to no one. In the capitalist society, however, it is far from being a self-evident matter. That has been attested by the occurrence of the so-called mass culture as well as by the focus of the bourgeois media of mass information and propaganda on the dissidents' "creativity." It is rather a paradox that in its effort to stir up an impression of credibility, bourgeois propaganda would "give expression to the dissidents' creation" which, to a certain extent, bears the mark and distinctive symptoms of mental disorders.

If a part of the dissidents' "spiritual creation" is so marked, then, of course, it does not mean that their behavior and actions are not based at all on a rational and entirely lucid deliberation of how to harm socialism most effectively. That is confirmed also by the fact that most of those who have found themselves in the "free world" have very soon given up their messianistic "mission to reform socialism" in order to attack the socialist system openly and to put themselves in the service of anticommunist, reactionary and revanchist forces.

All antisocialist campaigns around the dissidents went bankrupt. No widespread opposition has been organized. Even the former members of the exploiting classes and the majority of those antisocialist forces that used to be very active during the 1968-1969 crisis period failed to come over to the side of the traitors and overt enemies of socialism hiding their true faces under the masks of "fighters for human rights." That is a proof of the communist party's correct policy and of the sensitive, principled and deliberate approach which the party has chosen for the process of consolidation and for the further development of socialist society. Lies and slanders of the turncoats and self-appointed individuals have been vigorously and categorically rejected by the Czechoslovak people. Neither can one be surprised that bourgeois media of mass information and propaganda have remained silent about such an utterly negative reaction which met the action

of the dissidents. That fact, just as the appearance of all the antisocialist campaigns, proved that the ideological class struggle is not abating but that it remains irreconcilable and further retains its specific forms and expressions.

Soviet PRAVDA replied very clearly to the question about what lesson could be learned from some of the recent events: "A handful of turncoats, of course, does not pose any danger to the Soviet system. The very fact that they exist, however, proves that the vestiges of the old society's mores and prejudices have not been completely overcome in our country, that individual Soviet citizens still can be hoodwinked by bourgeois propaganda, that they let themselves be blinded by the glitter of the bourgeois way of life and deceived by the fairy tales about human "rights" and "freedoms" in the capitalist world. It is therefore necessary, as never before, to demonstrate considerable political vigilance and to cope promptly and efficiently with bourgeois propaganda, to struggle tirelessly against apolitical and unideological attitudes which are still evident in our midsts and to educate the Soviet people in the spirit of patriotism and devotion to the party and the noble ideals of communism." (PRAVDA 12 February 1977)

It remains a continuous task for the Czechoslovak mass information and propaganda media and the entire ideological front to lead a systematic ideological struggle against anticommunism, against all species of revisionism and anticommunism. As experience has demonstrated, it is unavoidable to link the disclosure and critique of hostile views with a creative development of the Marxist-Leninist ideology, with raising the people's awareness and with a positive solution of all present and future problems in the further development of socialism. In the fulfillment of that task a very meaningful role has been assigned to mass information and propaganda media. Their task is to elucidate the party's policy even more convincingly and efficiently, to fight for its introduction in life, to point out the diversity and dynamism of our life and the advantages of the socialist social system. They must struggle efficiently against anachronistic views and habits, against conservatism and against all obstacles to our progress. Their criticism must be objective, constructive and sensitive.

At the same time they must struggle irreconcilably against every effort and expression of anticommunism and bourgeois ideology. Our opponent's forces can be neither overestimated nor underestimated in this struggle. How to assess his potential and his efforts and how to regard our own task is aptly explained in the words of A. Chakovsky, editor-in-chief of the Soviet journal LITERATURNAYA GAZETA, expressed even before the Helsinki Conference: "We have before us a very active opponent who has defined the role of all propaganda and journalism as 'an art of enticing people to do what they would never do by themselves if they had at their disposal all the facts about this or that situation.' Journalism is not like a shooting gallery where the weapon is in the marksman's hands and the opponent is a silent

bull's eye. When we mention the word journalism we must realize with complete clarity that we are going to fight a duel of arguments. Also, we must realize that in his mind and heart the reader must unavoidably see and feel that journalism is not afraid of the opponent's arguments, that it knows them and that it knows how to counter them. One cannot visualize the opponent as someone whose hands have been tied in advance. The journalist himself must tie his hands. He cannot see his task in a victory dance over the opponent who had been defeated even before the fight. First of all it is necessary to defeat him. Journalism always lead the fight from the beginning to the end."

A. Chakovsky's words remain timely and relevant even in the present situation. The ideological struggle never was an abstract struggle of ideas; it has been and always will be a struggle for the people's minds and hearts. In that fight our journalism and our entire ideologically educational work are based on the revolutionary Marxist-Leninist teachings. In the conditions of detente, when socialism is more and more expressively confirming its advantages, it is the basis of our success in the ideological work.

It is not the purpose of our ideological and ideological-educational work to create false consciousness, to misinform and manipulate the public opinion. Our propaganda does not spread unscientific, false, manipulating ideology, nor does it try to mislead the working masses from their real needs and from their efforts to transform the existing social system. In our society the entire ideological system, all its links and thus, also, mass information and propaganda media, serve as a tool to create social awareness in harmony with objective laws and needs of the development of the entire society.

Mass information and propaganda media are taking part in education of the masses by raising their political consciousness. Thus, the aim of their activity is to make the working masses understand and actively support the communist party's policy, fully comprehend the laws of the development of society and the objectives in building of socialism and know how to assess the obtained achievements and how to detect and overcome obstacles, unmask the class enemy's real aims and intentions and remain unaffected by his ideological activity.

Lenin's theory on the function of the press has found its full application in the socialist society. Not only the press but all mass information and propaganda media are fulfilling the role of a collective propagandist, campaigner and organizer. The whole system of ideological educational work is oriented so as to make the Marxist-Leninist teachings the basis of practical activity and united action, and thus, so as it help understand current tasks as well as historical perspectives.

Mass information and propaganda media have achieved the greater success in the fulfillment of their objectives the more their actions reflected the

principle of the class, party, objective and scientific character. Thorough compliance with those Leninist principles and imperatives always guaranteed true understanding of, and appropriate reaction to the progressive trends in the social development -- as the entire revolutionary history of RUDE PRAVO, for example, demonstrated. They have not lost any of their timely character even now, when we are solving increasingly more demanding tasks of building a developed society.

9004

CSO: 2400

CZECHOSLOVAKIA

SSR JUSTICE MINISTER DISCUSSES SOCIALIST LEGALITY

Bratislava NEDELNA PRAVDA in Slovak No 23, 10 Jun 77 pp 6-7

[Interview with Justice Minister of the SSR P. Kiraly, LLD, by Irena Grmanova: "Democracy--Legality"]

[Text] [Question] What are the substance and the objective of democracy and what are the purpose and contents of legality?

[Answer] The questions concerning the substance of the state, democracy and freedom and of legality, which is connected with them, are subjects misused by the ideologists of monopolistic capitalism in the West and its political representatives and apologists in their intensive campaign against the socialist countries, against communism. However, that is nothing new. Already at the beginning of the building of the Soviet state Lenin observed that we could hardly find other questions which the bourgeois science, philosophy, communications and bourgeois politicians would not twist and obscure more than those questions. With their ideas and theories they are trying to justify the social privileges of the ruling bourgeois class and to justify the existence of capitalism and exploitation.

We must expect that the ideological struggle against socialism and progress, which imperialism is escalating at present, will become even more intensive in relation to the further decline and disgrace of the capitalist political system and in relation to the further expansion of the forces of democracy and socialism in the world and to the success in building of socialist countries, particularly the USSR. It would, therefore, be correct for us to explain at the very beginning of our conversation the real substance of the terms democracy, freedom and legality.

The scientific Marxist-Leninist teachings of the development of society and state affirm that the state did not always exist and that it developed only when the society became divided into classes where one group of the people owned the means of production and could appropriate the work of others. During that period it became necessary to develop means of coercion -- the state -- so that the ruling class of the owners of means of production could coerce, by means of the state, the great majority of the society to work for them. The forms of the exploiting society changed in relation to the development of forces of production and social relations.

It is typical for all forms of exploitation in social history that it involved a higher class, a minority that owned the means of production and ruled over the overwhelming majority of the working people, and that such a social development included a great number of various political forms of government and various apologetic political theories.

The state had many forms. In all social formations there appeared monarchies or republics which could be aristocratic or democratic, however, in every case it concerned dictatorship of the ruling minority over the majority of the working people. Bourgeois democracy, also, as a dictatorship of the bourgeoisie, involved dictatorship of the ruling bourgeois minority of private owners of means of production over the majority of the working people. That minority is holding in its hands vital means of production and wealth in a given country and controlling them by its own will and in accordance with its narrow individual interests. Under such circumstances there may be only limited freedoms and human rights, even though proclaimed by bourgeois constitutions. As a matter of fact, they apply in reality to the well-to-do only and the majority cannot enjoy them. For example, the people's participation in organs of elections is organized so that in an overwhelming majority only the well-to-do or their lackeys can get in the legislative organs. It is a notorious fact, for instance, that in the United States only individuals with enormous financial resources may be considered as candidates in elections. Besides, the administration of public affairs is protected by the laws so that it is concentrated in the hands of professionals, in the hands of various governors or district chiefs appointed to their offices by bourgeois governments, as it used to be in our country until 1945. Under those circumstances the people's participation in the administration of public affairs in a bourgeois democratic republic exists on paper only.

[Question] How, in fact, are civil rights and freedoms guaranteed and protected in practice according to bourgeois democracy?

[Answer] The protection of civil rights and freedoms in the capitalist world is determined by the very character of monopolistic capital, which not only limits and suppresses the competition of goods in the market but also restricts political democracy in the interest of its profit. For example, one of the basic human rights, the right to work, is insufficiently protected in bourgeois democracies already by the laws themselves. The laws permit the employers to terminate the workers' employment instantly even on a mass scale, if it is economically advantageous for the factory owners. Or, young school graduates remain unemployed even for young years, because the government of a bourgeois democracy does not know how to provide opportunities for employment, that is in the hands of private owners of means of production, and the government cannot interfere there. Thus, the ranks of the unemployed are growing in almost every capitalist country. And how is it with civil rights and freedoms? According to the pertinent bourgeois

legal regulations the citizen may defend them through courts; however, because of the extremely complicated regulations and different kinds of court procedures, he can do so only through a lawyer or attorney-at-law who is familiar with the laws, but the worker and other small working people lack the means for that. Thus, the citizen is practically excluded from the opportunity to defend his human rights.

[Question] Our public is informed about the notorious case of a Czechoslovak citizen V. Gabrielova-Zludkynova. Which basic human rights were violated during the hearing of her case before the U.S. court?

[Answer] The practice applied by bourgeois courts in deciding specific cases involving the protection of human rights follows the political interests of the ruling authorities, even if that contradicts the existing laws. The progressive world public was outraged recently by the illegal proceedings of the U.S. court in San Bernardino, in court hearings and decision in the case of two minor children whose mother, Vlasta Gabrielova-Zludkynova, is our citizen, as you mentioned. This case clearly convicted U.S. courts and administration of violation of basic human rights in court action and decision. As a lawful litigant in that case, our citizen, V. Gabrielova-Zludkynova, was exposed during the court proceedings to unconscionable, illegal pressures -- on the part of the U.S. administration, U.S. court, U.S. communications [media], various emigre institutions and individuals -- just so that she would give up her natural, inalienable right as a mother to bring up her own children, who had been stolen and held by strangers without any justification. The court decision crudely and ruthlessly violated the appropriate provisions of the Declaration and Pact on Human Rights and the Declaration of Children's Rights. Provisions of our law on family, which, in accordance with international agreements, should have regulated this specific case, have been violated, also. Moreover, valid U.S. regulations on family, according to which children should be given to their own natural mother for upbringing and support, have been violated.

[Question] Such practice in application of principles of democracy and in application of laws and even of the constitution, which proclaims protection of freedoms and human rights, is diametrically opposed to all humanitarian principles and contradictory, also, to the manner by which principles of democracy are being applied in socialist society.

[Answer] Indeed, the situation is quite different in a society where the socialist revolution has been victorious, where the political and state power has been transferred into the hands of the workers' class united with other working people, where the means of production are in the hands of the working people and where exploitation of man by his fellow man is being eliminated. Although the ruling workers' class is ruling at first in the form of the dictatorship of the proletariat, unlike dictatorship of the bourgeoisie, this involves the rule by an overwhelming majority of the society over a minority. This involves a socialist democracy where all civil

rights and freedoms are not only formally proclaimed by the constitution but where the social and economic conditions for their implementation in daily practice are also provided.

Socialist democracy is characterized by a creative and intensifying participation of increasingly broader masses of the working people in the administration of their country, in social and state affairs and processes. The working people in socialist democracy are actually taking part in the creation of necessary conditions for a complete, harmonious development of personality, in the creation of opportunities for self-fulfillment and in the enforcement of civil freedoms and civil rights. Therefore, whenever we want to assess objectively the real substance of democracy in this or that country, we must answer first of all which class is holding the power of the government. If we want to discuss seriously the depth of democracy and protection of freedoms and rights of the citizens, we must ask what means and opportunities are actually available to the citizens for their direct participation in the administration and management of the public, economic, social and cultural processes of the society, and what opportunities -- laws, material and other conditions -- are open to the citizens for their assertion and protection of their civil rights and freedoms proclaimed by the constitution.

[Question] How are the improvement and intensification of democracy and legality connected with the development of socialist democracy?

[Answer] In order to strengthen democracy, the quality of the laws in force -- i.e., legality, as a method of the state control of society -- is of an utmost importance. Just as democracy, the state has its class content, and legality also fulfills its class function.

The legal system of this or that society represents a sum total of regulations which are stipulated and enforced by the state power of the ruling class -- which protect that state power and social institutions, which regulate the development of social and economic relations and which ensure the protection of civil rights and freedoms.

This involves control of various relations between people and in production. This may be done only by a norm adopted by the highest state organ which, at the same time, enforces also the observation of that appropriate norm in society. It is true that the observation of every norm must be sanctioned and enforced also by the state power in case of noncompliance. You must have meant this aspect of legality when you mentioned the "punishing hand of the law." Such an interpretation of the law is in fact incomplete. It is one aspect of legality, however, not even the main aspect. As a method of compliance with the laws, legality has several aspects. It may be achieved conscientiously if the citizens and other subjects of legality are observing the laws willingly, because they realize that the compliance

with the laws corresponds to their interests. Furthermore, legality is enforced by various economic-organizational and cultural-educational provisions, and finally, if all such provisions fail, the observation of the laws is enforced by the state power. It is typical for socialist legality that its laws are conscientiously observed, because they agree with the working people's interests. On the other hand, bourgeois legality is observed more or less by coercion, because the contents of the laws are in opposition to the working people's interests and its laws correspond only with the interests of the ruling minority of the exploiters.

While under capitalism the laws and legality ensure the ruling power of the bourgeoisie in the exploitation of the working people, under socialism socialist legality becomes an unavoidable part of the development of socialist democracy; it becomes a means in developing the participation of the widest strata of the people in the administration of society: their participation in the state administration, in consolidation of the public order, in the further development of the economic-organizational and cultural-educational function of the state, in protection of civil rights and freedoms, and in regulation of the processes of further development of building of socialism in the economic, political or social sector.

[Question] Why do we still see quite often some leading workers of the state and economic organs, in enterprises and cooperatives, who do not consider order and security, as well as compliance with the laws in their places of work, as an indivisible part of their working activity and their responsibility? Can the observation of socialist legality be regarded just as a matter for the organs of the judiciary, prosecution and security?

[Answer] In the interest of a successful fulfillment of the demanding tasks in the further development of building of socialism, the conclusions of the 15th CPCPS Congress ordered all state and economic functionaries and officials of social organizations to continue increasing the level of their directing and controlling activity. Without a simultaneous intensification of socialist legality, none of the officials can fulfill that task. Socialist legality and state discipline, as a method of the state control of all social and economic processes, are an unavoidable part of directing and controlling activities. The official who disregards socialist legality when managing the affairs of his department, who underestimates and belittles it or, as the case may be, who identifies it with bureaucratism cannot be a good official and never will be a good official. He is depriving himself of the most effective means of improving the efficiency of his work. As a matter of fact, the laws are skillfully and most advantageously regulating the most relevant economic and social processes which the state must enforce even by coercion as the last resort. The excesses of bureaucratism stem from a misunderstanding of the substance of socialist legality. Socialist legality would turn into bureaucratism if its enforcement were self-serving and without any sense of purpose in the fulfillment of the tasks of building of socialism. Socialist legality must be translated into life in the spirit of socialist legal knowledge, which precludes any bureaucratic approach.

In connection with improving the efficiency of the fight against crime, the conclusions of the 15th CPCZ Congress emphasized the demand that the fight against crime be not regarded only as a matter of the organs of security, prosecution and courts but that all state, social and economic organs and organizations join in that fight. This is an extremely important and self-evident demand, because in the fight against crime we are not concerned only in repressive measures but also in prevention of crime. Thus, it is necessary to fight efficiently against the causes of crime which are found in areas or places of work outside the departments of penal enforcement. Also, in the interest of an effective fight against crime, such preventive measures must be taken as preventive custody, preventive therapy and preventive education, which are also carried out outside the justice ministry and prosecution. This involves primarily national committees, which are mostly responsible for the enforcement of preventive measures.

[Question] Bourgeois propaganda has accused us of violating human rights from the viewpoint of the principles of the Final Act of the Helsinki Conference. At the same time, Czechoslovakia is known to have signed and to be observing, also, the International Pact on Civil and Political Rights and the International Pact on Economic, Social and Cultural Rights, which have not been signed to this day by many of the same capitalist states which are voicing such slander against us. How is our socialist legality protecting human rights and freedoms? How are the principles of the Final Act of Helsinki and of international pacts being enforced in our country.

[Answer] The Final Act of the Helsinki Conference on Security and Cooperation in Europe, which the CSSR also adopted, contains significant principles according to which the relations between the states in Europe should be guided and human rights and basic freedoms secured and according to which cooperation in economic and scientific sectors, in the sectors of technology and environment as well as the relations in humanitarian areas should be developed.

These principles are relevant also for the application practiced by the courts, since they resolve certain questions concerning protection of civil rights and freedoms. Therefore, our courts and state notarial offices, as well as corrective institutions, are very well acquainted with these principles. The provisions of the International Pact on Civil and Political Rights and the Pact on Economic, Social and Cultural Rights are also binding for the courts and all departments of the Ministry of Justice of the SSR. Equality of all citizens and protection of all rights and freedoms have been proclaimed by our Constitution. Specific laws stipulate the guarantees and measures for the protection and enforcement of those laws. Thus, the right to work and to receive wages for the work performed, the right to rest after the work performed, the right to protection of health and to medical care, the right to material security in old age and in disability, the right to education and other rights are enforced in our

country. Also, freedom of expression, inviolability of the person and home, secrecy of mail, freedom of residence and of belief, etc. are guaranteed to all of our citizens.

The national economic plan and social policy are creating opportunities in our country for our citizens to assert their right to work and their right to receive wages for the work they perform. Hiring in the labor process is done voluntarily, on the basis of an employment contract which precisely spells out the duties and the amount of wages. While hiring for employment is done on a voluntary basis, nobody's employment may be terminated without his consent and without a legal motive stipulated by the law. It is forbidden to discharge from employment pregnant women, nursing mothers, sick employees; to terminate employment without the approval of the trade union organs, as well as without an offer of another job, etc. The courts do not recognize the validity of such a termination of employment which is in contradiction to the aforementioned principles of the labor code and which obligates the employer to pay compensation for the damages.

Inviolability of the person is guaranteed by our laws so that nobody can be prosecuted as a defendant in any other way than on the legal basis which is precisely stipulated by the law. Also, nobody can be taken into custody, with the exception of cases stipulated by the law, and only pursuant to the decision of the prosecutor or of the court. Every citizen of our country has the right to have the inviolability of his person, his life, health and honor protected by the state and also has the right of self-defense which is admissible pursuant to the law.

The right of defense has a wide scope of application in our justice. When prosecuted, every citizen has the right to freely select his attorney; if the citizen is impecunious, the attorney must accept his defense free of charge. Pursuant to the penal code and the law on legal defense, the attorney for defense may move for further evidence for the benefit of the defendant, and request his release from custody even at the very beginning of penal prosecution. Furthermore, he may speak freely in privacy with the defendant and counsel him even while the defendant remains in custody.

An important guarantee of protection of the citizens' rights and freedoms is the constitutionally guaranteed opportunity for every citizen to address the representative assemblies and all state organs with proposals, suggestions and complaints, while the state organs are obliged to investigate them as responsibly as possible and act on them promptly. Moreover, they are obliged to take measures to restore the guaranteed rights and interests of the citizen and, if need be, to call to responsibility all those persons who have taken a negative attitude to the investigation of the working people's complaints and reports.

Protection of human rights and freedoms in socialist democracy is extensive. However, nobody can assert one's rights without any limitation in a

way bordering on arbitrariness or anarchism. When asserting the citizens' basic civil rights, the interests of the society, state and of other citizens also must be considered. Therefore, along with the enforcement of human rights and freedoms and with providing guarantees for their implementation the constitutions and laws of socialist democracies proclaim also constitutional obligations of the citizens, such as the defense of their fatherland, the duty to participate with other working people in fulfilling and achieving the tasks of the national economic plan, the duty to protect socialist property and the duty to respect socialist legality and state discipline. Such a duty is obligatory for everyone, which means that whoever violates socialist legality, even under the false pretext of "defense of human rights," must bear the consequences stipulated by the law for violation of the laws. The unity of the citizens' rights and obligations is typical for socialist democracy and substantiated by the highly organized character of the socialist society and the systematic fulfillment of the tasks of our building of socialism for the purpose of raising the living and cultural standards of society.

[Question] Conclusions of the 15th CPCZ Congress emphasized that respect for the law and legal system must be increased, which will require systematic education of the citizen in the knowledge of the law.

[Answer] To further strengthen socialist democracy, in particular so that our citizens be able to participate in the administration of public affairs and in the management of economic and social processes, they must be thoroughly informed about our legal system and about the state of our legality. The citizen's heightened legal awareness provides the best guarantee of compliance with socialist legality and its consolidation. Therefore, on the basis of the decision of the Presidium of the KSS Central Committee and of the government of the SSR, a governmental commission for legal education and propaganda was already appointed here in Slovakia in 1975; it is an advisory organ of the government, which coordinates legal education and propaganda in Slovakia, determines the contents of its direction and ensures its purpose in order to render it more efficient. During the brief period of its activity we obtained positive achievements in improving legal education and propaganda in Slovakia; however, there is still much to be done in the educational work in order to increase the legal awareness of our citizens.

9004

CSO: 2400

EAST GERMANY

HONECKER CONGRATULATES OAU PRESIDENT BONGO

East Berlin NEUES DEUTSCHLAND in German 4 Jul 77 p 1 AU

[General Secretary Erich Honecker congratulatory message to OAU President Bongo]

[Text] To the president of the Organization of African Unity, his excellency El Hadj Omar Bongo, Libreville, Gabon:

I cordially congratulate you on your election as president of the OAU and wish you great success in this responsible activity.

I take the opportunity to ask you to convey to the representatives of the independent states and peoples of the African continent my most cordial greetings and the best wishes for a successful implementation of the 14th OAU Summit Conference.

In the course of its 14-year history, the OAU has proved to be an important force in the African peoples' struggle to establish and consolidate national independence against imperialism, colonialism and racism, as well as for rallying all anticolonial and anti-imperialist forces in Africa. It has successfully contributed to solving conflicts and to the development of good-neighborly relations among the African states. Africa's prestige in the international arena has substantially grown through the work of the OAU.

We highly value the efforts by the African peoples and states to eliminate the remnants of colonialism and racism as well as all forms of neocolonialist oppression on the continent. As it has done in the past, the GDR will continue in the future to give this struggle its active, solidaristic support.

Rest assured that the OAU can rely on the GDR as a friend and ally in its just struggle.

Permit me, your excellency, to express my greatest respect, along with best wishes for the personal well-being of the heads of state and government chiefs participating in the conference.

[Signed] Erich Honecker, general secretary of the SED Central Committee and chairman of the GDR State Council.

EAST GERMANY

HONECKER GREETIS GERMAN-SOVIET FRIENDSHIP SOCIETY

East Berlin NEUES DEUTSCHLAND in German 30 Jun 77 p 1 AU

["Cordial greetings of the SED Central Committee to the German-Soviet Friendship Society [GSFS] on its 30th founding anniversary: "Friendship With Lenin's Country the Leitmotif of Our Activity"]

[Text] To the Central Executive of the GSFS in Berlin:

Dear friends:

The SED Central Committee conveys most cordial greetings and congratulations to the Central Executive and to all organization members on the 30th founding anniversary of the GSFS.

Two years after the liberation of our people by the glorious Soviet Army, proven antifascists and democrats founded the Society for the Study of the Soviet Union's Culture. They acted in loyalty to the finest traditions of the German communists and other progressive forces in the conviction that the well-being and happiness of our people and its future in peace and progress are inseparably linked with the first country of victorious socialism. Lasting friendship with the Soviet country became the leitmotif of their activities.

Striding ahead of them was the SED, which, loyal to Wilhelm Pieck's words, did everything possible to make German-Soviet friendship a matter of the hearts of the entire people.

In three decades the GSFS has become a broad organization with more than 5 million members, which comprises all strata of our people. Its deeds and declarations have contributed to a high degree to firmly anchoring friendship with the land of Lenin among the GDR people. Close friendship with the Soviet Union: This has become the motivation for the activity of the entire GDR people.

The GSFS members today are employing all their strength to implement the decisions of the Ninth SED Party Congress for the further fashioning of the developed socialist society in the GDR and for insuring peace. With ingenuity they are propagating the Soviet people's great achievements, particularly in the 60th year after the Red October. They illustrate its achievements and the heroism of its work for the targets adopted by the 25th CPSU Congress for the further advance of communism. Concurrently they familiarize people with the peace policy of the CPSU and USSR Government as well as with the Soviet Union's struggle for curtailing the arms race and for disarmament.

With their untiring attitude the GSFS members are contributing to our peoples' drawing closer together through their deeds in socialist construction. They are implementing, in life, the new Treaty of Friendship, Cooperation and Mutual Assistance between the GDR and the USSR, which extends into the coming millenium, through their deeds in socialist construction.

The SED Central Committee thanks all GSFS members and officials for whatever they have done for the cultivation and deepening of German-Soviet friendship, one of our people's greatest achievements.

Also in the future, we are certain of this, they will--in keeping with the decisions of the Ninth SED Congress and in the spirit of our great champions: Karl Liebknecht, Ernst Thaelmann and Wilhelm Pieck--further consolidate the fraternal affinity with the USSR, the country of the Red October, which has been blazing a trail for humanity into a bright future. We wish health and full success for this.

With socialist greetings,

SED Central Committee,

[Signed] E. Honecker, General Secretary,

Berlin, 30 June 1977.

CSO: 2300

READER'S QUESTIONS ON HUMAN RIGHTS OBSERVANCE ANSWERED

Dresden SAECHSISCHE ZEITUNG in German 5 May 77 p 6

[Article by Hans Schwarz: "Neither With Regard to Human Rights Do We Have Any Reason to Conceal Anything -- Reply to a Reader's Letter on the International Convention on Civil and Political Rights"]

[Text] A short while ago we received a letter from Herr Dietmar Zeiler of Dresden. After several remarks and suggestions for our newspaper, which we would still like to discuss with him, Herr Zeiler continues: "Actually I have another question for you: In recent times we have often read in the daily newspapers about the lack of respect for human rights, especially in the FRG. That is correct. However, do we in this country adhere to all the articles of the convention regarding human rights? Should we not also turn a critical eye toward our own country?"

Herr Zeiler then refers to Article 12 of the International Convention on Civil and Political Rights and quotes: "Every person should be free to leave any country, including his own." That is, to emigrate.

My dear Herr Zeiler, you express your doubts as to whether we would answer you in print. We do not mention this in order, so to speak, to publish the fact that you are mistaken. Rather we are much more interested in informing you that -- possibly completely unknowingly -- you have twice fallen into the trap laid by enemies of the GDR -- your homeland, as you wrote in your letter. You will, I am sure, forgive this directness, since you yourself have asked for openness.

In the first place: Behind your doubt that we would answer you publicly hides the belief that we have something to conceal or to keep secret in the area of human rights. That is absolutely false and will not become any truer by being maintained continuously by our adversary. Our state, the GDR, signed the convention mentioned by you on 27 March 1973 and ratified it on 2 November 1973 -- with a single objection to Article 48, paragraph 1: We declared our belief that all nations must have the right to become members of this important convention and not just, as designated by that paragraph, members of the United Nations and its special organizations.

It should already be apparent therefore, Herr Zeiler, that we support the convention, without exception, not even a territorial one. In complete contrast to the leading imperialist states. They are still not members of this convention, nor of the second one pertaining to economic, social and cultural rights. All their shouting for human rights is thus revealed to be pure hypocrisy. It is an attempt to drag the socialist states into the prisoner's dock, where only the inhuman social orders of these loudmouths belong. And more so at the present time since behind the current uproar lies only the intention of blocking through excessive agitation any further progress in relaxing international tensions.

Let us repeat one more time loud and clear: Not a single one of the 53 articles of the convention can cause us to blush with shame, there is nothing for us to hide or keep secret. To use your words, Herr Zeiler: There is absolutely no reason, "to turn a critical eye also toward our own country."

To demonstrate how true this is, we would like to turn to the article which you mentioned to us: Article 12. Here for the second time, you have fallen victim to a falsehood. The enemy proclaims the sentence you quoted continuously all over the world, then apparently runs out of breath; for he is silent about the "rest" of this article. However it is written there clearly and concisely: "The rights mentioned above must not be subject to any limitations other than those provided for by law, and which are necessary to protect the national security, public order, health or morals or the rights and freedoms of others and which are compatible with other rights named in this convention."

If you are going to quote, then you must quote correctly.

Therefore let us examine the text of this section more closely. To do this it is useful to consult actual experiences. We ourselves have lived with open borders to the West for 16 years. Let us not forget that the FRG together with its NATO partners had plans all set and ready "to march through the Brandenburg Gate playing martial music." We remember the many saboteurs and agents who have been infiltrated to undermine our society. Especially in the last few years of "free tourist traffic," we have also experienced what organized enticement is. The imperialists had two principles of action which they adhered to very strictly. First, specialized cadres were lured out of the GDR whom the monopolies desperately need and in whose expensive education our nation had in part invested a great deal of money and educational capabilities -- in other words: all of us, through our work to create a national income and also through our taxes. Secondly, a determined effort was made to create the most telling gaps possible in areas affecting the people of the GDR the most severely. As you know a so-called "wave of doctors" occurred in order to cripple our medical care services. Thus the "freedom" of individuals to follow the lucrative "emigration premiums" provided by the FRG and other enticing offers from the West,

stood in direct opposition to the freedom and right of all -- to continue with this example -- to be cared for medically in the best possible fashion. And we know that when enticements were not enough, blackmail, pressure and intimidation were resorted to. In all, imperialist machinations with our open borders have cost us about M 100 billion, not to mention the number of people deceived and led astray.

You yourself know, Herr Zeiler -- as many passages from your letter demonstrate -- that the nature of imperialism has not changed at all, that it will try everything possible to strangle present-day socialism, because it is precisely the humaneness of our social order which manifests its clear superiority. That it has not succeeded does not result from any lack of effort on its part but rather from any lack of effort on its part but rather from our watchfulness, because we protect our most deeply human national security and public order and do not allow the enemy to weaken the vested rights and freedoms of our entire society.

The principle that everyone in a society should enjoy the same rights runs like a red thread through both UN human rights conventions. We are in full agreement with this as with every article of this convention. On the other hand we know very well that imperialism cannot be. That would demand too much in every instance of this profiteers' system of exploitation and oppression. And so it hopes with loud and strident cries of "stop thief" to be able to turn attention from itself. In vain however: Imperialism still stands in the prisoner's dock!

8537

CSO: 2300

EAST GERMANY

SED ORGAN REVIEWS PCI'S ROLE IN ROME'S GOVERNMENT POLICY

East Berlin NEUES DEUTSCHLAND in German 9-10 Jul 77 p 6 AU

[Rome correspondent Dr Gerhard Feldbauer dispatch: "Joint Document for Italy's Government Policy"]

[Text] With the PCI's [Communist Party of Italy] participation in the drafting of a skeleton program of the government policy of the Christian-Democratic minority cabinet, a severe defeat has been inflicted on the reactionaries and rightist forces in Italy. The Democrazia Christiana, whose strong right wing, during the more than 4 months of program negotiations, left no stone unturned to exclude the PCI from the agreement, had to recognize that the more than 34 percent of Italian voters cannot be ignored and that the PCI must be granted participation in solving the fundamental question of Italy's social development, including the establishment of the government policy program. Likewise, the attempts of the neofascist and other reactionary forces were thwarted.

The program was signed by five parties altogether: the Christian Democrats, the Communists, the Socialists, the Social Democrats, and the Republicans. As early as next week it is to be passed with the votes of the five parties in parliament and, thus, to become the basis of the government's policy. The Liberals participated in the negotiations on the program but did not sign it.

The key part of the program is the economic part. It provides for curbing the grave effects of the economic crisis through measures to develop agriculture, the construction sector, public transport and the power industry. To develop the country's socioeconomically backward south, investment privileges are to be introduced for this region. The struggle against tax evasion is to be intensified, and measures are to be taken to combat unemployment, especially among women and young people. Other points of the program deal with strengthening public order.

The PCI does not deny the inadequacy of the accomplished program, but it notes, at the same time, that an important opportunity has thus been created to achieve progress in solving fundamental development questions and, thus, in initiating changes in Italy. According to the PCI, the agreement, in particular, creates favorable conditions for the initiatives and the struggle of the workers' movement and the other forces struggling for Italy's renewal.

At the same time the PCI warned against underrating [the danger] that the reactionary and rightist forces will make every effort to prevent the implementation of the program.

As PCI secretary general, Enrico Berlinguer, expressed it: "A new factor in Italian politics" has developed on the whole. What matters now, above all, Berlinguer added, is to organize the struggle of the people's masses for the implementation of the program.

He depicted as another urgent task the need to achieve a turn in the economic and social policy concerning the country's socioeconomically backward south.

At the same time, Berlinguer made clear that the PCI still holds the opinion that the country's situation, as well as the consistent implementation of the program itself, requires the formation of a "government of democratic unity with the participation of the Communist Party." If this objective has not been attained yet, he said, then this is due to the resistance of the Democrazia Cristiana, but it continues to a topical goal as before.

CSO: 2300

SIGNIFICANCE OF CIVIL PROCEDURE CODE FOR SOCIALIST LAW

East Berlin NEUE JUSTIZ in German Vol 31 No 12, Jun 77 pp 354-360

[Article by Werner Strasberg, vice-president of the Supreme Court: "Experiences in the Application of the new ZPO To Increase the Social Effectiveness of Socialist Law"]

[Text] Together with the ZGB [civil code] the new ZPO [civil procedure code] represents a solid element in the steady perfection of socialist law in important areas of social life, implementing the strategic orientation of the party of the working class. At the Ninth SED Congress Comrade E. Honecker commented that in recent years in particular much had been done for the extension of our socialist legal order, and that socialist law was being perfected as planned.¹

The new ZPO regulates to a qualitatively new standard the court procedure in such politically significant areas as the labor, civil and family codes, in accordance with the level achieved by the developed socialist society and coordinated with the targets of the law on the constitution of the courts and the fundamental changes in the civil code.

We now have a civil procedure code which is entirely based on socialist principles and--consonant with total societal requirements--responds to the actual and growing demand on the operation of the courts of our socialist state. Important for the court tasks arising therefrom are the decisions of the ninth party congress. According to these our state must not only provide the law but must also consistently enforce it, while at the same time the social effectiveness of our law must be raised in order increasingly to develop socialist modes of behavior and the socialist relations of citizens as well as guarantee the realization of their rights and duties.²

By the strict application of the ZPO in daily practice in accordance with social concerns, especially with respect to the increased involvement of the working people in trials in the field of labor, civil and family law, the courts help the further extension of socialist democracy to important social areas. It will be necessary fully to utilize the experiences and suggestions of the working people from the broad democratic discussion of

the new draft AGB /Labor code/ which was confirmed by the Ninth FDGB Congress as the convincing reflection of the further perfection of socialist law and the preeminent role of the labor unions³ and, by the FDGB's exercise of legislative initiative, conveyed to the People's Chamber for discussion and enactment.

At its third plenary meeting of 13 April 1977 and starting from these basic targets the Supreme Court dealt with the experience gained since the ZPO has been in effect, and with problems arising in the actual use of the ZPO for improving the social effectiveness of court proceedings. This meeting was intimately related to the plenum's discussion on the tasks of the judiciary in the application of the civil code as their contribution to the implementation of the main task.⁴

The Supreme Court Plenum had to hand a report by the presidium on investigations into the administration of justice by kreis and bezirk courts, utilizing discussions with working people and the experiences and suggestions arising from the processing of appeals and citizens petitions. The report provided an appraisal of the realization of basic assignments of the new ZPO, that is of the exact and persuasive application of the basic provisions (articles 1-7 ZPO) in their coupling with the provisions on the preparation and conduct of public hearings before the kreis courts--especially from the aspect of ascertaining the truth and the exertion of educational influence--, on settlements, decisions and the specific measures to reinforce the social effectiveness of the proceedings.

The discussion in the plenum became a lively exchange of experiences on results and outstanding problems in the practical implementation of the ZPO's social implications in order, especially by the meticulous and prompt conduct of trials, expert information and aid to citizens as well as respectful treatment of them, to encourage the development of socialist relations and modes of behavior as well as broad social initiatives for the consolidation of socialist legality, order, discipline and security. The judges referred to E. Honecker's comments at the Fifth SED Central Committee Plenum, that progress becomes easier the more attentively we deal in every instance with the constructive ideas and suggestions, the critical indications and experiences of the working people.⁵ In the course of the discussion the necessity was emphasized for constantly deepening the links between judges and the lives of the working people and--as another definite contribution especially in the 60th year of the Great October Socialist Revolution--for purposefully utilizing the exemplary experiences of Soviet courts in the socially effective conduct of trials, the assurance of wide publicity and advanced culture of court operations as the most efficient ways to propagate socialist laws and legal education.

Purposively Realizing the New Quality of Trial Procedure

Satisfactory results have been achieved by the conduct of trials on the basis of the new ZPO. The new standardized basis of the procedures helps

better to utilize the potential for the socially effective organization of civil, family and labor proceedings.

The ZPO provides for an intelligible and rational procedure facilitating the citizens access to the courts. Consequently the legal guarantees for the realization of the rights and duties of citizens and enterprises involved in the proceedings are reinforced, legal disputes effectively dealt with, and the educational influence on the shaping of the relations subject to civil, family and labor law increased. This requires an appropriate approach to the management and organization of the trials and the consistent rejection of any obsolete concepts of proceedings.

In accordance with the basic concerns of the law, especially the duties of the court as formulated in article 2 ZPO, the courts are able consistently and effectively to enforce the material law by their handling of the procedure, safeguard legally guaranteed rights and interests, encourage socialist relations in the social concert of citizens and thereby visibly demonstrate the new quality of the procedure. That is demonstrated in particular by the courts

- Quickly reacting to actions in cases involving labor law, promptly notifying the competent kreis executives of the FDGB, where necessary making suggestions in accordance with article 7 ZPO, and increasingly (on the basis of clear targets) making such procedural provisions for the preparation of public hearings as will, in the majority of cases, allow the trial to be completed in one day, or, in the case of marital disputes, the course of the contested proceeding;
- Turning their utmost attention to the ascertainment of the truth as the basis for the correct settlement of the conflict. In so doing they determine the extent of the necessary ascertainment of the facts of the case including the evidence needed in accordance with the requirements arising from material law, concentrate on the facts of the matter relevant to the decision and make persuasive decisions;
- In cooperation with the litigants successfully trying to obtain a settlement of the legal dispute within the framework of the legal possibilities (article 45 paragraph 2, articles 46 and 47 ZPO);
- In a differentiated manner using the potential to improve the social effectiveness of the trial.

We should not, however, consider completed the process of absorption of the new law. That applies to the basic concerns of the law as well as to the application of the various provisions. The plenary meeting of the Supreme Court provided suggestions and indications, in particular, regarding the improvement of the social effectiveness of court procedure as the courts contribution to the implementation of our state's economic and social policies. In this context the meticulous and prompt conduct of the trials

represents the fundamental element of their social effectiveness. The ZPO is intelligible for every citizen. Trials conducted with the strict observance of its standards and with great concentration--coupled with the explanation of socialist law and help to those involved in the proceedings regarding the assurance of their rights and duties--reflect real legal security and in this social area also illuminate the social security and safety of the citizen in socialism.

In the majority of all civil proceedings the legal conflict is settled by composition with the help of the courts, or the complaint is withdrawn. Far more than half the trials in the field of labor, civil and family law are completed within 4 weeks. The organization of court proceedings and their prompt and concentrated conduct convincingly demonstrate the reality of the citizens basic right to efficient enforcement of their rights and legally guaranteed interests in socialism, show the real procedural guarantees for the realization of socialist law.

In capitalist countries, on the other hand, the law acts against the interests of the working people. This includes the fact that, even where formal rights are on the books, their realization is a matter of money⁶ and that all too often the common interminable delays before actions come to trial (as for example in the FRG) in fact represent a denial of justice.⁷ This is another instance of the incompatibility of capitalist exploitation and human rights.

Socialist law and its consistent implementation are firmly rooted in the property and power conditions of the socialist society, in fact they reflect them. The new ZPO is therefore based on the acknowledgment that it is up to the courts to defend the socialist state and social order, safeguard and enforce legally guaranteed rights and interests as well as help (by the greatest possible effectiveness of court procedures) encourage socialist relations in the social community of the citizens (article 2 paragraph 1 ZPO).

On the Preparation of the Hearing

The preparation of the hearing must proceed with the greatest attention to clear targets, so that concentrated and prompt proceedings may quickly ascertain the relevant facts of the matter, verify them and subsequently provide decisions in accordance with the legal regulations (article 2 paragraph 2 ZPO). Well prepared trials mean that, even before the hearing, judges and lay judges are aware of the social and legal problems involved in the proceedings, know how to organize the trial and what measures are required to improve the social effectiveness of the court procedure in accordance with the requirements of articles 2-6 ZPO.

The secretaries of legal application offices provide a significant contribution by their active and educational promotion of the settlement of litigation outside the courts. When they do file a complaint, they establish the essential basis for the preparation of the hearing. The filed complaints meet the minimum requirements of article 12 ZPO.

At the same time it will be necessary to improve the justification of complaints. It must be shown, for example, what was done to settle the dispute before the complaint was brought, why settlement was not possible, and which collectives tried to settle the differences or might be able to do so (article 12 paragraph 2 Nos 2 and 3 ZPO). In matrimonial proceedings related claims must be stated in detail, especially with respect to matters involving property settlements.

In matrimonial disputes the social efforts for the maintenance of marriages call for the legal application offices in suitable cases to try for a meeting of the parties in a marriage and family counseling agency or in judge's chambers even before the complaint is officially filed. If neither of the spouses agrees, the complaint must be accepted.

Both the legal application offices and the legal advisory agencies should be even more mindful that article 47 makes it easier for citizens to settle their disputes outside the courts.

The service of summons, the invitation to the defendant to respond, the determination of the date of the hearing and the instruction for inviting the parties to the dispute and their representatives are all carried out promptly and faultlessly. The strict observation of the timetable for serving complaints and summonses (article 37 paragraph 3 ZPO) is an important procedural guarantee for the preparation of the parties to the dispute and their participation in the trial.⁸

If, in exceptional cases, the date of the summons is not observed, the parties to the dispute must be so advised. Public hearings can be set with their agreement only. Otherwise a new date must be set.⁹

The courts should use the possibilities afforded by articles 32 and 33 ZPO. It will be most useful for courts to set hearing dates immediately upon receipt of the complaint and at the same time request the defendant to submit an answer by a certain date. If necessary special suggestions should be provided for certain circumstances. In matrimonial matters sufficient preparation is deemed to have been made if the other party is sent the official reply form for his/her statement.

If it is obvious from the complaint that the facts of the matter are complex, it might be justified exceptionally not to set a date immediately or to set it farther in the future in order to ensure that sufficient time remains between the receipt of the defendant's statement and the date of the hearing for the statement to be sent to plaintiff and making sure that the necessary evidence is provided. Energetic and concentrated preparation of the hearing must provide the prerequisites for a logical and effective trial. Dereliction in the ascertainment of matters of fact is apt to result either in delays in the conclusion of the law suit or in an inappropriate or unconvincing decision.

In matters involving the labor code the courts must carry out their duty to inform as per article 32 paragraph 3 ZPO. The courts obligation closely to cooperate with the FDGB (article 5 ZPO) implies the necessity to inform the labor unions (while fully observing the independence of the executives and leadership organizations of the unions) of any special problems of the case to hand, and to submit suggestions for the unions active involvement in the public hearing.

On the Public Hearing

The ascertainment of the objective truth is indispensable for the legality and persuasiveness of the judgement. It is the fundamental prerequisite for the realization of the rights and duties of the citizens, the lasting settlement of the dispute and the greatest possible social effectiveness of the proceedings. The courts must use public hearings especially to explain the appropriate legal norms to the parties involved, help them make the appropriate applications and give them suggestions for settling the matter out of court (article 2 ZPO). We know from experience that prior discussions between judges and lay judges are an important prerequisite for efficiently organizing the direct involvement of the working people in socialist legal proceedings and allowing their experiences and knowledge to permeate the hearing. Such a procedure often enables the court sufficiently to ascertain the facts of the matter at the first hearing and thereupon to conclude the case.

The purposeful and thorough discussion and disclosure of the facts of the matter after the appropriate preparation of the hearing frequently provide the prerequisites for agreement between the parties or for the satisfaction of the claim submitted.

On Taking Evidence

The material-legal provisions on which the claim must be based are the starting point for the examination in the public hearing. Responsible examinations will be conducted on the basis of the submissions by the parties to the action to see whether and what facts have failed to be elucidated or are disputed (article 52 paragraph 1 ZPO). Here it will be necessary to devote greater attention to the need for bringing evidence even about facts not submitted by the parties to the suit, but which are important for the decision.

The quality of the necessary hearing of the evidence largely depends on an exact order on evidence (article 54 ZPO). Due to its importance for ascertaining the truth this order must be given in writing extraneous to the public hearing, and it must in principle be recorded at the public hearing. It must actually list the facts to be proven and must also include the evidence necessary to carry out the hearing of the evidence. That holds true even if it is intended to examine one of the parties to the suit. The actual

order on evidence appropriate to these requirements facilitates the concentrated conduct of the hearing of evidence. The examination of one or both parties to the action is permissible only if the facts of the matter cannot be elucidated by any other means (article 62 ZPO). At the examination of one party to the suit care must be taken to comply with the provision that (except in justified and exceptional instances) such an examination may only be conducted about the party's own assertions.

Upon completion of the hearing of the evidence an opportunity for comment must, without fail, be provided the parties to the action and those involved in the proceedings as per article 64 ZPO, in order by this means also to help the ascertainment of the truth and the provision of persuasive evidence.

The court may decide on an order on evidence apart from the public hearing. If this is done at the time for which it has been decided to announce the judgement, no formal cancellation of the date of announcement is required. The parties to the suit must receive anterior notification of the hearing of the evidence. Once ordered hearings of the evidence must be conducted. If, exceptionally, the hearing of evidence is waived, the reasons must be stated in the record--and, if necessary, in the judgement.

Related Complaints

It accords with social requirements that the defendant may, for the purpose of due process, bring an action regarding claims on the plaintiff even after proceedings against him have begun. This possibility derives from article 34 ZPO on the coupling and separation of several complaints.

The plaintiff's pleading may be submitted in writing at the trial court, accepted on demand by the legal application office, or recorded at the public hearing. Suits brought by the defendant in the course of an already pending action must comply with the requirements of article 12 ZPO. They must be signed by the defendant (article 12 paragraph 3 ZPO). If, however, they are recorded at the public hearing, the defendant's signature is not necessary because the record is confirmed by the signature of the chairman (article 69 paragraph 1 ZPO). The coupling of the two complaints will as a rule be suitable unless another trial court holds exclusive competence (articles 21-23 ZPO).

Inclusion of Another Party in the Action

In conducting the trial it is necessary to work for the settlement of the dispute as a whole. This includes the courts duty in suitable cases to point out the possibility of applying for the inclusion of another party in the action as per article 35 ZPO. This enables the court simultaneously to deal with possible claims against a third party.

Application for the inclusion of another party is admissible also on appeal. An application for inclusion lodged in the lower court may be repeated on

appeal. To take care of the rights of the parties involved in the action, higher courts should generally refer the case back.

On the Hearing in Matters Involving the Labor Code

In matters involving the labor code the public prosecutor must be notified of any discontinuance of action outside the public hearing, regardless whether he has or has not stated his participation in the proceedings (article 30 paragraph 3 ZPO).

Considering the provision of article 77 paragraph 1 ZPO, according to which the judgement is issued "within the framework of the action dealt with (by the conflict commission)," the question has arisen in court practice in how far the applications made by the conflict commission for trial before the state courts are binding or may be expanded.

In this context the following should be pointed out:

The phrase "within the framework of the action dealt with (by the conflict commission)" should be understood as the facts of the case. This is the extent to which the action pending at the state court is limited (following appeal of the decision by the conflict commission); an extension involving other circumstances is inadmissible. Not affected by this ruling are the legal consequences derived from the original facts and incorporated in the pleading, which may be the same but also others and more extensive ones. If, for example, an enterprise dismissal is the point at issue, this complex of facts represents the substance of the suit. The employee's appeal against the dismissal, directed to the conflict commission--application for setting aside the dismissal--does not exclude a further claim for damages by the employee if the original appeal is dismissed and itself appealed to the state courts. No 6.1.13 letter b of the revised directive No 28 of the Supreme Court Plenum on cooperation between the courts and the conflict commissions enacted 24 March 1976 (GESETZBLATT DER DEUTSCHEN DEMOKRATISCHEN REPUBLIK, special issue No 871) emphasizes that claims concerning the same facts are not subject to limitation but may be either narrowed down or extended.

Nor is the plaintiff prevented from submitting to the state court a more extensive claim than to the conflict commission if the court proceedings were initiated by appeal of the respondent. However, in such cases the courts must examine whether the more extensive claims of the plaintiff are based on objective needs and warranted thereby.

The admissibility of extension for claims submitted by way of appeal to the courts from the decision of the conflict commission also applies if the conflict commission has found for the plaintiff in every respect. In such cases considerations in how far a complaint by the plaintiff lies must be disregarded with respect to the relation between conflict commission and state court.

On the Hearing in Divorce Actions

In divorce actions involving children the courts bear a heavy responsibility for persuading spouses fully to observe their obligation to society for the socialist education of the children and--provided the prerequisites are present--settle the disputes threatening the marriage. The differentiated application of articles 50 and 51 ZPO therefore merits particular attention.

Appropriately it is usual to provide spouses with minor children an opportunity for reconsideration and reflection on the possibilities for preserving the marriage. That is done by granting a continuance as per article 51 paragraph 1 ZPO. The court hearing may be set immediately only if all three criteria listed in article 51 paragraph 2 ZPO are met.

The prerequisite for the criterion (that both parties wish for the divorce) is not met if the defendant is "resigned" to the divorce, that is fails to lodge a counterclaim. It is necessary to show that both spouses explicitly wish for the divorce.

When examining the possibilities for reconciliation the question must be included whether, despite the spouses declarations to the contrary, some objective circumstances are present, which indicate the possibility of resolving the conflict and therefore require a full hearing. Article 51 paragraph 2 ZPO is used suitably if the reconciliation hearing shows that very profound conflicts put an intolerable strain on the cohabitation of the spouses and children, and that the preservation of the marriage is not desirable in the interest of the children either.

The assumptions of article 51 ZPO must be examined also for marriages not involving minor children. It is quite proper in such cases not to allow the immediate transition to a divorce hearing if the marriage is of long standing, the defendant's wish for divorce does not seem based upon thorough reflection or is due to resignation only.

The courts are bound to examine the prerequisites for the conduct of the divorce proceeding without reconciliation hearing (article 50 ZPO). It is important for the judge to record the textual questions essential for the decision (as submitted by the parties to the dispute and others involved in the proceedings), unless they are in the form of written statements. Also to be recorded is the text (crucial for the decision) of documents and other notes submitted, which do not remain with the court papers, as well as notes on significant court instructions and directives issued, for example, at the conclusion of settlements or concerning the filing of the application. It is not necessary, though, to record statements aiming at a settlement or amendment of the complaint if they result in a settlement or amendment of the complaint. Nor is it necessary to record the statements of one party to the dispute if this party is later to be heard.

The records must include a statement on the fulfillment of the pleadings prescribed by law, such as filing the claim (article 45 paragraph 1 ZPO) or the pronouncement of the judgement (article 81 paragraph 2 ZPO). If, for reasons of recommended concentration, written statements are referred to, there must not be any doubt as to which applications are deemed to have been filed. Also to be recorded are the statements of representatives of work collectives and other social bodies provided they are important to the ascertainment of the facts of the matter. The record must also show that an order on evidence was carried out.

On the Judicial Settlement

The judicial settlement ranks very high in legal proceedings. That is not only evident by the considerable percentage held in the total of settlements by proceedings concluded in this manner; it arises in particular from the fact that judicial settlements show that the parties are able to settle the dispute on the basis of their own judgement and conviction in conformity with the principles of socialist law. The courts regularly hold the lion's share in facilitating this result of proceedings. Consonant with their obligations arising especially from article 2 and article 45 ZPO, they thus contribute active explanatory and educational work toward the encouragement of socialist modes of behavior and relations in the communal lives of the citizens and toward the consolidation of socialist legal consciousness.

The nature of the judicial settlement includes the active influence of the court on the comprehensive and lasting resolution of the dispute in accordance with the principles of socialist law. At the time the settlement is confirmed it is necessary for the essential aspects of the facts and the applicable material legal standards to be perfectly clear. Article 46 paragraph 1 ZPO sets out the obligation to include circumstances relevant for the settlement in the settlement itself or in the record. To be rejected is the rather prevalent practice of describing the aspects crucial for the settlement in the substantiation of the court decision. The settlements are to be clearly formulated to promote exact implementation and prevent new disputes. Of considerable importance also is the instruction about the binding force of the settlement if no disclaimer is made or a disclaimer is waived.¹⁰

On the Judgement

The ZPO enables the courts to draw up the judgement in structure and substantiation as per the respective state of affairs (article 78 ZPO). This increases the responsibility of the courts for the shaping of persuasive decisions.

The following requirements must be observed in the substantiation of the judgement:

1. Starting from its fundamental function (article 2 ZPO) the court's judgement must, in accordance with the actual circumstances of the litigation, help educate the parties to the action. It will therefore be necessary, on the basis of the relevant legal standards and considering the causes and conditions of the dispute as noted, to give them definite and concentrated suitable directives for their future behavior.

2. The judgement must concentrate on essential matters. This raises its powers of persuasion. To be avoided are comments without relevance to the decision and the amendment of the causes and conditions of the dispute.

3. The judgement must be intelligible. This requires clarity and the statement of the essential connections crucial to the decision.

The substantiation of the judgement must--without this meaning total rigidity--include the following

- The pleadings submitted by the parties to the action (article 77 paragraph 1 ZPO) and a summary of the salient features of the substantiation of the pleadings (article 12 paragraph 1 No 3 ZPO);
- The ascertained facts of the matter (article 77 paragraph 1 ZPO). Stated here must be the reason for the decision of the court as to which results of the hearing of the evidence are acceptable and, where necessary, the reason why certain evidence was not accepted;
- The judicial appraisal of the facts of the matter quoting the relevant legal norms and the consequences arising therefrom for the pronouncement of the judgement.

Frequent use is made of the opportunity to waive a written substantiation of the judgement in admissible cases (article 78 paragraph 3 ZPO). In matters involving the civil code care must be taken that even when the defendant does not participate in the proceedings, the requirements of article 67 paragraph 3 ZPO must be met, that is the facts of the matter elucidated and stated. In divorce proceedings involving spouses who both wish for divorce and have no minor children, the court should not orient to the waiver of the written substantiation of the judgement if it would be appropriate in the interest of the educational effect on the parties to include in the judgement a critical appraisal of the behavior of the litigants.

A waiver of the substantiation of the judgement is not admissible if the defendant did not explicitly desire divorce but merely failed to submit a counterclaim. In matrimonial disputes it must also be considered that a waiver of substantiation is possible only for the proceedings relating to the divorce if the parties to the dispute agree to a settlement, the bases of the settlement are recorded and the settlement is confirmed by the judgement (article 46 paragraph 4 ZPO). If no settlement is arrived at, both the divorce and the decision rendered in the related proceedings must be substantiated.

Often the judgements are discussed, given in writing and announced immediately following the public hearing. That is rational because judges and lay judges are still mindful of the results of the public hearing and the litigants present at the announcement.

If the written substantiation is not yet available at the time the judgement is pronounced, the courts orally inform the litigants of the substantive content of the substantiation, according to article 81 paragraph 3 ZPO. In divorce actions the oral substantiation must also deal with those decisions made in the proceedings, which relate to the divorce (see article 13 paragraph 2 ZPO).

Measures To Improve Social Effectiveness

In the course of the managerial activities of bezirk and kreis courts the full utilization of the methods (provided in the ZPO) for reinforcing the social effectiveness of proceedings involving the labor, civil and family codes require constant attention. This must be based on the fact that correct and convincing decisions and settlements and the strict observation of procedural standards represent the crucial basis for the social effectiveness of the proceedings.

Such opportunities, especially, should be utilized, which are suitable for affecting more than the particular case, the active involvement of the citizens and their collectives in the enhancement and defense of socialist property, the development of socialist communal life and the prevention of and protection from injuries to the lives, health and property of the citizens. The methods for the socially effective conduct of trials are to be used appropriately and rationally, in connection with the prompt and consistent reaction to offenses against the law as per the actual social requirements.

Depending on the given circumstances and as per article 2 paragraph 3, articles 4 and 43 paragraph 2 ZPO this may call for:

- Cooperation by persons authorized by the collective and social organizations;
- Trials before an expanded public;
- The issue of a court critique;
- Purposeful measures regarding the analysis of proceedings.

This kind of operation is to be classified in the cooperation of the courts and the labor unions (article 5 ZPO) and the local state organs (article 6 ZPO). It must be directed effectively to the support of social initiatives for the further reinforcement of socialist legality, order, discipline and security.

That is the basis for the appropriate preparation of the targets of the proceedings in every single instance. The experiences gained thereby are to be analyzed. The best experiences should be generalized and fully utilized for future work in accordance with the general requirements of the ZPO.

In the field of the labor code growing importance lies with the close cooperation of courts and labor unions. Such cooperation supports the activism of the labor unions as the comprehensive class organization of the working class for the consistent realization of socialist legality in the field of the labor code, implementing the relevant resolutions of the Ninth FDGB Congress, and largely helps the elimination and prevention of offenses against the labor code. The courts must therefore make sure that the labor unions are able fully to exercise their rights not only in individual proceedings--mainly by labor union trial representation--but also by cooperation as per article 5 paragraph 2 ZPO, and are also enabled (by the conveyance of generalized experiences) even more actively to influence the development of the creative force and collective relations of the working people within the labor process, the encouragement of the socialist competition, the development of the innovator movement and enterprise management activities.

The courts reports to the FDGB executives of the respective region (article 5 paragraph 3 ZPO) must be used to describe the experiences of the courts arising from their work in connection with labor union cooperation, thereby enabling the executives to adopt more effective measures for the further reinforcement of cooperation.

On Bezirk Council Guidance of the Kreis Courts Court Procedure

The bezirk courts are largely responsible for the instruction of kreis courts in matters of court procedure. Here the court procedure of the senates coupled with operational instruction has great importance. It greatly helps the standardized and effective application of the law and the strict observance of socialist legality. This requires appeals to be conducted in an exemplary manner and concluded by a persuasive judgement based on the appropriate use of the material and processal law, helping to settle the dispute between the parties to the action.

Investigations have shown that the bezirk courts meet these requirements. The objections raised by appeals and complaints are adequately studied. The substantiation of the decisions provide a persuasive answer to the citizens. If an appeal lacks proper substantiation, actual instruction by the court helps complete the substantiation. As a rule the appeals hearing is prepared with great concentration and differentiation, so that it is possible in most cases satisfactorily to conclude the appeals proceedings at the first meeting. At the same time this kind of procedure represents a direct instruction to the kreis courts with respect to their work, especially concerning the concentrated and persuasive conduct of proceedings.

Of considerable importance for the realization and observance of the rights and interests of the parties is the now available opportunity to appeal any judgement as well as the general elimination of the compulsion to retain an attorney. This considerably facilitates the citizens access to the courts and results in new demands on the conduct of appeals proceedings. This includes the need effectively to assist citizens in the appeals proceedings, explain to them the facts of the case as well as the legal situation and make intelligible to them their rights and obligations, thereby also encouraging the conscious and responsible implementation of socialist law.

FOOTNOTES

1. See E. Honecker, "Bericht des Zentralkomitees der SED an den IX. Parteitag der SED" /SED Central Committee Report to the Ninth SED Congress/, Berlin 1976, p 113.
2. Ibid, pp 113 ff.
3. See H. Tisch, "FDGB Federal Executive Report to the Ninth FDGB Congress," NEUES DEUTSCHLAND, 17 May 1977, p 3.
4. See W. Strasberg, "The Application of the Civil Code in Court Practice --A Contribution to the Implementation of the Main Task," NEUE JUSTIZ 1977, pp 65 ff.
5. See E. Honecker, "Aus dem Bericht des Politbueros an die 5. Tagung des Zentralkomitees der SED" /From the Politburo Report to the Fifth SED Central Committee Plenum/, Berlin 1977, p 26.
6. With the heading "If You Are Poor, You Have Fewer Rights," the FRG labor union newspaper WELT DER ARBEIT, for example, wrote on 13 February 1976: "The availability of the law for low income citizens exposes the poverty of our socialist constitutional state... Poverty with a dual meaning in a society in which the advertising slogan of banks so descriptively characterizes conditions in these words: 'You are what you have.'" (see also "Empty Words: The Rights of the Poor!", NEUE JUSTIZ 1976, p 177)
7. The FRG illustrated paper STERN (1976, No 21/22) printed the admission by Robert Fischer, president of the FRG Federal Court, that "lower income groups" are "particularly hard hit" by the undue delays in proceedings before FRG courts. (See also: "Little Thieves Are Hanged..." NEUE JUSTIZ 1976, p 369.

Dr Juergen Blomeyer, judge at the Munich Superior Land Court, confessed: "We are all aware of the complaints about the administration of justice whose mills grind even more slowly than God's. These complaints are largely justified..." ("The State's Liability for the Delays in Civil Actions," NEUE JURISTISCHE WOCHENSCHRIFT 1977 No 13, pp 557 ff).

8. See Supreme Court, Judgement of 30 September 1975--1 ZzF 22/1975--(NEUE JUSTIZ 1975 p 733).
9. See Supreme Court, Judgement of 1 February 1977--1 OFK 26/1976--(NEUE JUSTIZ 1977 p 278).
10. On the judicial settlement between the parties to the action see also H. Kellner, NEUE JUSTIZ 1977, pp 237 ff.

11698
CSO: 2300

EAST GERMANY

BRIEFS

HONECKER MESSAGE TO CARTER--To the President of the United States of America, Mr James Earl Carter, the White House, Washington D. C. Highly Esteemed Mr President: On the occasion of the national holiday of the United States I convey to you and to the American people the greetings and congratulations of the GDR people. On this occasion I affirm the GDR's determination to further develop the relations with the United States of America in full compliance with the Helsinki Final Act. I am certain that a businesslike cooperation, based on equal rights, between our two states will promote the practical development of peaceful coexistence and will serve the strengthening of peace. [Signed] Erich Honecker, chairman of the GDR State Council. [Text] [East Berlin NEUES DEUTSCHLAND in German 4 Jul 77 p 1 AU]

CSO: 2300

POLAND

DUTCH PAPER NOTES DISSIDENT MOVEMENT GROWING

Rotterdam NRC HANDELSBLAD in Dutch 22 Jun 77 p 5

[Report from Warsaw by D. Dragstra: "Polish Dissident Movement Growing"]

[Text] While Eastern and Western Europe are meeting each other in Belgrade to check out each other's interpretation and application of the Helsinki accords, the protest movement in Poland against the imprisonment of five workers and nine intellectuals is slowly building up. Historian Jan Josef Lipski, one of the 10 members or collaborators of the Committee for the Defense of the Workers of Radom and Ursus (KOR; Workers' Defense Committee) originally arrested, who has a heart complaint, was released. That happened in part as a result of the request of the chairman of the Polish Writers' Union, Iwaszkiewicz. Lipski is considered by many intellectuals to be a model of integrity, and because of this reputation is certainly one of the best-known KOR members.

The latest developments in the protest movement are a new hunger strike and the writing of protest letters to the party and the government. Three students from Gdansk started a hunger strike of indefinite duration on 15 June in a dormitory in the northern port city. Their goal is the release of all the political prisoners in Poland.

That is also the goal of the letter writers. The letters were first circulated for some time in intellectual circles for signatures. That was done in the university cities of Warsaw, Krakow, Wroclaw, Lodz, and Gdansk, among others. They were addressed to the Polish parliament, party secretary Gierek, President Jablonski of the parliament, and Advocate General Czubinski.

The Warsaw letter was signed by 425 people. A total of about 1,000 people have dared to put their future on the line in this way. An anonymous group of high-school students recently made clear what they are risking. They expressed their moral support for the group of 11 hunger strikers who spent a week in a Warsaw church by sending them a floral tribute with the following inscription: "For those to whom justice means more than career."

Since that time some cases have come to light of KOR sympathizers who have lost their jobs for political reasons, when that was stated in so many words, but their total number is estimated at 150 by the committee. Except in those few cases, it is naturally hard to establish that dismissal or non-extension of a worker's contract is the result of political factors.

But it is thus false to maintain that there is no forced unemployment in Poland -- a charge that has been leveled against the west prior to the Belgrade meeting, and particularly against the Federal Republic of Germany.

Two elderly KOR members, Prof Lipinski and Prof Pajdak, meanwhile, have sent a telegram to Agostino Marianetti, the chairman of the Italian Trade Union Federation. They thanked the federation, and particularly the metal-workers unions, for their intervention in favor of the imprisoned workers and accused intellectuals.

However, that sort of activity always takes place behind the scenes. At this time, French communists are said to be working on their Polish sister party. All indications are that the western European leftist organizations as well as the Roman Catholic Church in Poland, out of sympathy for the KOR and for the ideals for which it is striving, are carefully maneuvering to leave the Polish leaders a way out so that they can act permissively without too much loss of face.

Loss of face will be the inevitable result of any possible prosecution of the KOR members and collaborators. The accusations of "acts against the state in collaboration with foreign organizations " and of "disseminating false information" would then have to be substantiated concretely, and these are phrases that always lead to a politically colored decision.

That would bring the Polish state under fire again as a state that hands down only the law of the single party. The decision about this will have to be reached by that one party within about 6 weeks, as that is how long the accused can be held without the formality of a trial.

8815
CSO: 3105

SWISS COMMENTARY ON POLISH REGIME TACTICS

Zurich NEUE ZUERCHER ZEITUNG in German 23 Jun 77 p 5

[Article: "Defense Tactics of Polish Regime: Carrot and Stick"]

[Text] With the anniversary of the unrests in Radom and Ursus of 25 June 1976 drawing closer, the activity of the Polish government and state officials is becoming more and more hectic. Particularly the leading trio -- Party Chief Gierek, Premier Jaroszewicz, and Chairman of the State Council Jablonski -- have been meeting for days with representatives of various occupational groups and generations. Sometimes there are several of these meetings on one day. At the same time, using conferences, seminars, and meetings, officials from the propaganda and agitation staff and from the ideological sector are trying to influence those segments of the population which are considered the most critical:

"Eurocommunists" Silent

The leadership of the communist party is paying more attention to sociopolitical bottlenecks. For instance, a whole plenary meeting of the Central Committee was devoted to the delicate question of housing construction. Suddenly there is much talk about self-administration by workers. No concrete resolutions or reforms are announced during all these meetings. The impression exists that all that is intended is a sham dialog, a substitute debate with the public, a prophylactic contact.

No Leniency for Civil Rights Activists

However, this is only one side of what is actually going on. The other side shows that the tension between the regime and the opposing civil rights activists is unchanged. Expectations that the Gierek regime would display leniency during the beginning of the conference in Belgrade remained unfulfilled. Now as before, nine members and coworkers of the Workers' Defense Committee are held in custody by the regime. Only Hanna Ostrowska, a worker from Radom, was released quietly a few days ago; as an assistant of the committee she was active in social welfare. All protests and appeals to the Polish authorities by American, French, and Belgian intellectuals as well as West German Jusos [Young Socialists] were ignored.

The matter would have become precarious, if Berlinguer, Marchais, and Carrillo had followed the appeals of a committee member, Professor Lipinski. But the three leaders of "Eurocommunism" did not react and this was registered by the Gierek regime with relief.

Insult of Free Spirits

In the meantime, nobody knows what to do with those in custody. Their defense attorneys have not yet had an opportunity to establish contacts with their clients. Also the families are barred from the prison. Prisoners' letters are delivered within Warsaw with a delay of 2 weeks. And in official mass media a continuous campaign of slander against the arrested people is taking place. They are denounced as professional counterrevolutionaries and stateless fellows. New is the mobilization of letters supposedly written spontaneously by the "people," in which the punishment of the opposition is demanded. This has led to new protest actions by intellectuals and students. Some 33 prominent representatives of the intellectual life and of various disciplines in Breslau (Wroclaw) directed a letter of protest to Gierek and parliament in which they raise their voices against arbitrary arrests, violations of valid law, and deliberate poisoning of the political atmosphere. For similar reasons, three students at the University of Danzig have started a hunger strike.

A brochure has now been published by the Workers' Defense Committee, in which several attorneys who defended workers during the trials in Radom and Ursus are proving that these trials had been prepared and carried out incorrectly. This is unpleasant for the regime and the Polish justice organs. The principle of individualization of the crime had been discarded in favor of a collective responsibility and an act of revenge had taken place against workers whose actions were the result of social emotions.

8991

CSO: 3103

POLISH STUDENT LEADER APPEALS TO WESTERN LEFT

Rome AVANTI in Italian 19 May 77 p 9

[Article by Adam Michnik]

This appeal was written by the exponent of youth and worker dissent before returning to Poland where he was arrested. The solidarity with which he fights for civil and human rights in the East is a valid commitment also for the cause of social justice in the West. Today we must fight also so that the most elementary human rights will be implemented. Before returning to Poland, where he was arrested, the Polish student and worker leader Adam Michnik published the appeal which we reprint below in LE MONDE. In 1968, Michnik was one of the exponents of youth dissent. Recently he has been spending some time in Italy as guest of the PSI [Italian Socialist Party].

[Text] For the first time in 12 years and for the second time in my life, the authorities in the Polish People's Republic granted me a passport and in August of last year I managed to leave for the West. The decision to return to Poland was a simple one for me. I always thought that my place was there and never, not for a moment, did I think of staying in the West. But returning is neither simple nor easy for me. As Bukovskiy put it, I am returning to the "big zone" in order suddenly perhaps to find myself in the "small zone", that is to say, in prison. Yesterday I learned that two of my friends, J. Kuron and J. J. Lipski, were charged with a crime for which the criminal code calls for imprisonment of up to 5 years. The indictment also mentioned a third name--mine.

This persuaded me to write this letter on the eve of my return. Let me begin with the facts. The charges against my friends, directly, and against me, indirectly, are as follows: "A Polish citizen who enters into communication with a person who acts in the interest of a foreign organization for the purpose of damaging the political interests of the Polish People's Republic is subject to punishment of detention of between 6 months and 5 years" (article 132 of the Criminal Code).

I will not defend myself against that accusation, nor will I admit it because, in either case, I would voluntarily accept the status of defendant. I reject that role. Instead I would like, in a few words, to describe what my friends and I did and what caused us to be thus charged.

The charges maintain that our criminal activities began 1975. This is not just a random date. During that year, as a matter of fact, a new and serious social crisis broke out in Poland for the first time since 1970, when there had been a worker revolt on the Baltic coast with tragic consequences. The first phase of that crisis consisted of a conflict between the authorities and a good portion of the intelligentsia. The immediate cause was a bill introducing amendments into the constitution which were supposed to "legalize the leading role of the party" and "indissoluble friendship with the Soviet Union," in other words, to legalize the twin dependence of the Polish people: toward the neighbor to the East and toward the ruling group in Poland. This bill triggered a protest by thousands of citizens who sent individual and group letters to the authorities; the Polish bishops also spoke out against the planned amendments. My friends and I signed the so-called letter of the 59 initiated by the protest movement and that letter became a symbol. In that letter we not only rejected the proposed amendment but we also demanded that the authorities respect the basic human rights guaranteed by the constitution: freedom of conscience and worship, freedom of work, freedom of speech and information, freedom of science. Under pressure from protests and perhaps also because of the awareness of an imminent further confrontation, this time more serious because it would involve a clash with the workers, the government then made a series of concessions.

On 25 June 1976, the strike, which paralyzed a good portion of the economy, then broke out in Poland. It had not been organized nor coordinated by anyone; it involved the entire country spontaneously. At Radom and Ursus, worker protests "spilled outside the factories." The party committee building, for example, was set on fire, there were street clashes with the police and a train was derailed. The reaction of the workers was due to the announcement, the day before, of a tremendous increase in basic food prices.

On that same day, the increase was rescinded. But the country did not calm down. There were mass arrests of workers who had participated in the protest and those others who could have participated. The arrested were beaten and tortured. This was a parody of the law: the same persons were sentenced several times for the same crimes with which they had been charged. The witnesses were police officers who, in various places, made statements about the actions taken by the various defendants who were in different places throughout the city. The authorities, or at least their executive organ, that is, the police and the security service, were thus trying to get revenge for the humiliation inflicted upon them by the workers.

In response to this lawlessness, a score of well-known Polish intellectuals, in the middle of September of last year, established the Committee for the Defense of the Workers. They included the writer Jerzy Andrezejewski and the economist E. Lipinski, a veteran of the worker movement. The charter

members of the committee also included J. Kuron and J. J. Lipski. The committee had set itself the objective of providing material and legal aid for the persecuted workers. It turned to the population with an appeal, asking for information on acts of lawlessness and to protest against such acts, to send money to help the persecuted workers and their families.

The committee began systematically to publish announcements condemning anti-worker terror; it publicized cases of law violation and demanded that the authorities put an end to them. The committee began to receive tens of thousands of zlotys. Following the effort made by the committee, thousands of persons sent individual and group protest letters to the authorities, asking among other things that a parliamentary commission be set up to examine acts of lawlessness perpetrated after the events of June.

The committee from the very first moment acted in the full light of day. Its meetings were open. Its representatives openly participated in the successive trials of the workers. Money was collected openly and announcements were published openly.

Under pressure from public opinion, the authorities began to give in. It was to a great extent due to the committee that almost no workers sentenced after June are now left in jail. Among those released there were also some who several months earlier had been sentenced to 9 years in prison, in the name of the law! That does not mean that the reprisals are over. They continue, although in a milder form, we must admit.

Hoping for an imminent abatement in the mobilization of the most courageous worker circles, the authorities recently stepped up reprisals against the members of the committee and persons working with it. There was an increase in the number of cases of searches, interrogations, and arrests. From the moment the indictment was presented against us, repression directed against intellectual circles, who loudly came out in favor of the workers, seemed to enter a new phase.

I would like to believe that this letter of mine will also reach my friends in Poland. This is why I feel the need to make it clear why I did not return to my homeland the moment the committee was established, why I did not share its so far rather short history which is so significant in terms of social, political, and psychological consequences, why I was absent from the country when its members and collaborators were being beaten. I was not scared although I was very much afraid and continue to be afraid for my friends in Poland; as for the rest, my situation in my country cannot be considered devoid of danger. I believed, as a matter of fact, that I could help our common cause more--our common cause of spreading a subtle slice of liberty and justice in Poland--by staying here, in the West, because I was able to provide eyewitness testimony.

In proportion to my modest efforts and possibilities, I tried to bear witness to the true situation in the country and to the resistance of the population. I testified in the articles which I published in the Western press, in the

interviews I granted, in conversations I had with politicians, with labor unionists, and with journalists in the countries which I visited, that is, France, Great Britain, Sweden, West Germany, Denmark, and Italy. I was guided by the conviction that we have an ally in the West who is important to us: public opinion in those countries and, first of all, the Western left and the labor union movement. I believe that what I did would be useful also to you; I knew that, in doing what I was doing, I could pay a high price also to you. This double awareness made it easy for me to remain in the West for 8 months.

Now I leave Paris. Before leaving, I would like once again to appeal to Western public opinion and particularly to the left. The official charges sound absurd to anybody who knew us in Poland or abroad. The real reason behind the charges against us is a different one; we and, indirectly, hundreds of our friends, are being accused of having an opinion, of not respecting the government's monopoly of thought and its expression. It is not the contacts with an imaginary organization that worry the authorities most and this is not why they want to put us on trial. They are worried incomparably more by such contacts with "foreigners" as would be represented by the appeal to Western democratic opinion, signed, among others, by two of us (LE NOUVEL OBSERVATEUR, July 1976), that is, the letter by Jacek Kuron to Berlinguer, my visit and that of Leszel Kolakowski to Giancarlo Pajetta, member of the Italian Communist Party's politburo, and Bettino Craxi, secretary general of the PSI, as well as the meeting between L. Kolakowski and Willy Brandt.

Over the past 2 years, Western public opinion and especially that of the Western left did much to save men subjected to reprisals in Eastern Europe from persecutions, prison, and labor camps. Here it suffices to recall the actions in defense of men such as Plyushch, Bukovskiy, Muller, and Stern. The united Western left took up positions in defense of the signers of Charter 77, in defense of the Polish workers who were persecuted after June 1976.

All of these acts of solidarity took place when these men were being sentenced, jailed, and taken to prison. It is obviously very difficult to mobilize public opinion when the consequences of the measures taken by the authorities are not yet known, when the reasons for the reprisals and the pretexts for arrests are not yet known. But, precisely in a moment such as this one, the intervention of public opinion can be most effective, can exert major influence on the behavior of the authorities, can dissuade them from senseless reprisals which never solve anything and which, on the contrary, only create sources of hatred and bitterness.

I am appealing primarily to the Western left. I am not asking this because I think that help to the oppressed people in Eastern Europe is as important to us as it is to it, regardless of whether socialists, communists, or labor unionists are involved. Whether we like it or not, we have a part of their biography. This is precisely why the left, more than anybody else, should today fight to make sure that basic human rights will be implemented in Eastern Europe and so that full liberty and democracy may be restored tomorrow.

5058

CSO:8028/1631E

RCP DECISION ON INCREASING ROLE OF PARTY, MASSES IN EDUCATION

Bucharest SCINTEIA in Romanian 30 Jun 77 p 2

["The Decision of the RCP Central Committee on Increasing the Role and Responsibility of Party, State, Mass and Public Organizations, Creativity Unions, Collective Leaderships of Editorial Staffs, Radio and Television, Publishing Houses, Film Studios and Theatrical Institutions in Informing and Educating the Working People"--a decision adopted by the RCP Central Committee plenum on 29 June, in Bucharest]

[Text] The implementation of the decisions of the 11th Congress and of the party program to build the comprehensively developed socialist society and insure Romania's progress toward communism requires constant improvement of the organization and leadership of society; the continuous growth of the party's leading role in all socioeconomic life; the ever broader and more active participation by the masses in drafting and implementing party-state policy, insuring the smooth development of activity in all fields and leading the society. Within this general framework, it is necessary to take consistent action to continuously improve the leadership of political, ideological, cultural and educational activity and raise the content of work in this important sphere of our social life onto increasingly higher levels.

The Central Committee assesses that the role of the mass media has recently increased, the artistic creation has strongly developed and intellectual life of the entire society is recording an unprecedented flourishing. Ideological, political, cultural and educational activity in our country is based on the party's revolutionary concept of the world and life, that is, on the dialectical and historical materialism, on the policy of building the new system and on the high principles of socialist ethics and equity.

In the socialist period, profound revolutionary changes have occurred in our country: economic, political and social changes, as well as changes in the class structure, in relations among people and in their thinking and life style. Our society, which has eliminated forever the exploitation of man by man, and social and national injustice, is composed today of friendly social classes motivated by the same interests and aspirations and closely cooperating to implement the party program and its domestic and foreign policy.

At the same time our system experiences ever broader and more profound progress in developing socialist democracy and strengthening collective leadership in enterprises and institutions at all levels and in all spheres, thus insuring that the influence and direct control by the broad people's masses are exercised more efficiently in the socioeconomic, ideological, cultural and educational activity. The process of transferring some of the state's functions and prerogatives to mass bodies and to working people's collectives is becoming accentuated as a consequence of our progress along the road of socialism and communism. This necessitates the continuous growth in the responsibility of working people's collectives and of democratic leadership bodies for insuring the smooth development of all public life in our fatherland.

In view of these realities and of the peculiarities of the current stage of development of our socialist society and taking into account the broad political, ideological, cultural and educational activity as well as the increasingly more complex tasks facing the relevant institutions and bodies, it is necessary to raise the spirit of responsibility of the communists and cadres working in this field; at the same time, the forms of collective leadership, the collectives themselves and the broad masses of working people who are the real beneficiaries of the arts, science, culture and publishing activity should play an increasingly important role in the leadership of the respective bodies. Under these circumstances it is necessary to reorganize and modify the functions of the Committee for Press and Printing, which exercises preventive control in these fields; all responsibility for this control devolves on the respective institutions and their collective leadership and on bodies charged by the party and state with guiding ideological, cultural and educational activity in our country.

In order to improve the organization and leadership of press bodies, radio-television publishing houses, film studios and all kinds of theatrical institutes and to increase the role and responsibility of party organizations, communists and working people in insuring the smooth development of their activity, the RCP Central Committee decides:

1. In keeping with the special role which our party and society gives to the press, radio-television, literature, art and all cultural and educational activity, it is necessary to increase their contribution to developing the socialist consciousness of the masses, promoting the principles of socialist ethics and equity, shaping the new man and implementing our party policy and the decisions adopted by the 11th RCP Congress.
2. Party bodies and organizations, party activists and cadres, communists and all employees of editorial and publishing houses, radio-television and other artistic and cultural institutions bear responsibility for the content and orientation of the activity in the respective fields and for implementing the decisions and tasks deriving from party documents and from recommendations made by the party secretary general.

3. In creating the intellectual assets of our socialist nation and in drafting and implementing party policy in the field of political, ideological, cultural and educational activity, the responsibility of the masses must be greatly increased, in the spirit of the principles and practice of our socialist democracy and in the spirit of leadership of all fields of activity and the entire society by the very builders of our new system.

4. In order to improve collective leadership, management councils will be established in the editorial offices of newspapers and magazines, in radio-television in publishing houses, theatrical institutes, film houses and cinematographic studios; these councils will be made up, as the case may be, of representatives of central and local party bodies, the General Union of Romanian Trade Unions, the Union of Communist Youth, other mass and public organizations, the Council of Socialist Culture and Education, creativity unions and the Council of Journalists as well as employees of the respective institutions and working people from enterprises.

The management councils will examine monthly the activity of these institutes and the manner in which they are fulfilling tasks assigned to them and will establish the necessary measures to improve the activity of socialist information and education of the masses.

5. The management councils of press bodies will have all the responsibility for the political and ideological content and for the quality of published material and will constantly militate to implement the party policy and the principles of socialist ethics and equity, to generalize advanced experience and promote that which is new in all fields of the social life and activity, to combat shortcomings and negative phenomena and to express the progressive opinion of the working people and the broad masses of builders of socialism. They will insure strict observance of press law and all the laws of the country, the safeguarding of state secrets and the correct and objective informing of the public.

The management council appoints the editorial board which, under the leadership of the chief editor, is responsible for the efficient activity of the respective press organ and for the manner in which it carries out its tasks.

6. Direct responsibility for the political and ideological content and for the artistic and journalistic level of radio-television broadcasts devolves on the management council.

The council will establish a commission, headed by the director general of the radio-television, which will guide and control the entire process of preparing the broadcasts and will approve their broadcasting, by insuring the firm orientation of the programs, in keeping with decisions and recommendations of the party leadership.

Measures will be taken to improve the organization of leadership activity and to better assign radio-television's responsible cadres according to fields and spheres of activity.

For the continued improvement of broadcast content in addition to radio-television's editorial staffs, commissions will be established for various fields; these commission--composed of party activists, representatives of creativity unions, other men of culture and art, specialists and working people--will view and select the most valuable broadcasts in terms of social-educational, and cultural-artistic content.

7. Creativity unions are responsible for guiding the literary-artistic activity, by organizing sections, commissions, circles and groups, within the framework of the associations and branches, to discuss in detail the works due to be printed, performed or filmed.

The discussion of literary and artistic works, in a broad and democratic framework and in the presence of the authors and with the participation of art critics, must lead to a perfecting of these works, in keeping with the ever higher ideological, artistic and scientific requirements of our society, and to the continuing development of literary-artistic creation, both in the Romanian languages and in the languages of the national minorities.

In the case of works of a scientific nature, the science academies and research institutes are responsible for their content, for the theoretical value and practical usefulness of the contribution by scientists and researchers and for the contribution made by these works to the progress of Romanian science and technology.

In the case of works in the field of social sciences, the responsibility for their ideological and political orientation and their wealth of ideas devolves on the Academy of Social and Political Sciences, the Stefan Gheorghiu academy and the research institutes in this field. In order to fulfill these duties and responsibilities, the respective bodies must insure detailed and democratic discussions of these works by establishing commissions of experts which can decide whether or not to print them.

8. Specialized central commissions of the Council of Socialist Culture and Education will also be established--for editorial, cinematographic and theatrical problems--as well as commissions of the National Council of Science and Technology and of the academies--for problems of a scientific nature; these commissions will guide and control activity in the respective fields. At the same time the central commissions will also function as appeal bodies in cases of differences between authors and institutions, thus solving problems connected with disputed works.

Representatives of the RCP Central Committee will belong to the central commissions. These commissions will also be made up of party-state activists, specialists, representatives of creativity unions, academies and research institutes and other working people.

9. The main responsibility for the orientation of the content and for the quality of literary, artistic and scientific works and of press articles and items devolves on the authors themselves.

10. Management councils will be established in all publishing houses; they will be composed of party-state activists and representatives of the Council of Socialist Culture and Education, academies, scientific research institutes, the relevant ministries and creativity unions. They are responsible for implementing, under optimum conditions, the editorial program established in keeping with the political line of the party.

The management councils will establish commissions, under the leadership of the director of the publishing house, which will be directly responsible for fulfilling the tasks devolving on these institutions and will approve the printing of manuscripts.

The management councils and the commissions of the publishing houses will support the activity of creativity unions, academies and research institutes to an ever greater extent by using increasingly the works presented and awarded at the "Hymn to Romania" national festival, which is a broad national manifestation of our people's creative spirit.

11. Management councils will be established at film houses and cinematographic studios; under the direct guidance and control of the Council of Socialist Culture and Education, they will be responsible for all activity concerning national cinematographic production and for the ideological, political content and the quality of artistic, documentary and cartoon films, in keeping with the guidelines of the party cultural policy and with the requirements of the broad masses of viewers.

12. The management councils that will be established in drama, opera and operetta theaters, in philharmonic orchestras and artistic groups will be responsible for the smooth development of activity in these institutions, by insuring performances of high ideological and artistic value, with a marked revolutionary and humanistic message, which will utilize the original creations of real value, both past and present, as well as representative works of the culture of other peoples, thus contributing to developing the audience's socialist consciousness, forming the working people's taste for that which is beautiful, and enriching the intellectual life of all our people.

13. The Council of Socialist Culture and Education, the Ministry of Foreign Affairs, the academies, radio-television, press, culture and art institutions and the creativity unions must act to broadly disseminate abroad the assets of our people's material and intellectual culture and to spread throughout the world our nation's message of cooperation and peace. The activity of translating into foreign languages and disseminating abroad our literary-artistic creations and journalism inspired by the people's life and work and by socialist and communist ideals will be intensified.

At the same time, in the spirit of the party-state policy, the dissemination in Romania of revolutionary, progressive and humanistic works of art of other peoples as well as the foreign press will be assured.

Proceeding from the conviction that the world circulation of intellectual values contributes to better mutual understanding, rapprochement and greater friendship among peoples and to enriching the heritage of human civilization, we will insure Romania's ever broader and more active participation in international cultural exchanges, on the basis of principles of reciprocity and in the spirit of our party's foreign policy of developing relations of cooperation with all socialist countries, with developing countries and with all states, regardless of their social system.

In order to intensify Romania's international cultural exchanges the National Center for Promoting Friendship and Cooperation with Other Peoples will be established.

14. The Committee for Press and Printing will be reorganized and its duties modified. Henceforth it will exercise state control over fulfilling the printing program and over implementing the law in the field of press and printing; it will deal with properly administering financial and material means, raising the economic efficiency of press activity and observing the conditions for publishing and disseminating newspapers and periodical publications. This body will also participate in certifying journalists and will monitor the implementation of all legal provisions concerning press employees.

15. Under the conditions of implementing these measures, the role and responsibility of party bodies and organizations and of activists and cadres working in these fields, as well as the responsibility of the ideological commission of the RCP Central Committee and of the propaganda, press and radio-television sections of the RCP Central Committee--which will have to watch more efficiently over the implementation of the guidelines and decisions of the 11th RCP Congress and the Congress of Political Education and Socialist Culture as well as the recommendations of the party secretary general with regard to continually enriching the content of political, ideological, cultural and educational work and increasing the level of the all intellectual life in our fatherland--will increase to an ever larger extent.

The role of the Council of Socialist Culture and Education, the National Council of Radio-Television and other central institutions in guiding and controlling activities in the fields for which they are responsible will increase accordingly.

The adoption of these measures--at the initiative of Comrade Nicolae Ceausescu, RCP Secretary General and President of the Socialist Republic of Romania, is a new and eloquent expression of the profound invigorating changes taking place in our society; the ceaseless improvement of socialist democracy; the broad freedoms enjoyed by the working people, regardless of nationality; the limitless opportunities for the manifestation of the human personality in the sphere of artistic creation and intellectual life; and the real guarantees by our state for freedom of opinion and expression

through press organs. This marks a new and important stage in perfecting collective work and leadership in all fields of activity and insuring the working people's direct participation in drafting and implementing party-state policy and in leading all activity.

The guarantee of the continuous and successful fulfillment of highly responsible tasks devolving on ideological, press, cultural, artistic and educational institutions is the exercise, at an increasingly higher level, of the party's leading role in the activity of shaping the socialist consciousness of the working people and in guiding various sectors of our socialist superstructure, in keeping with requirements of the current stage of building the new system in the Socialist Republic of Romania. This imposes highly responsible tasks on party organizations and communists working in these bodies and institutions in promoting their proper orientation and increasing their role in raising the socialist consciousness of the masses and shaping the new man.

The Central Committee expresses the conviction that these measures, which have particular importance for the ideological, cultural and educational life of our country, will contribute to perfecting the activity of the collective leadership bodies of the press, publishing houses and artistic and cultural institutions and increasing their contribution to implementing the party policy in this field. There is no doubt that this will give new and strong impetus to all journalist activity, to literary-artistic creation and to political, ideological, cultural and educational work and will lead to the ever stronger flourishing of intellectual life in our socialist society.

CSO: 2700

ROMANIA

GERMAN JOURNAL PUBLISHES GOMA'S POLITICAL DIARY

Hamburg DER SPIEGEL in German 18 Jul 77 pp 89-92 DW

[From the diary of the Romanian writer and civil rights advocate, Paul Goma. First paragraph is bold-type printed introduction by DER SPIEGEL]

[Text] In two letters, addressed to the CSCE [European Security and Cooperation Conference] follow-up conference in Belgrade and to Prague dissident, Pavel Kohout, the Romanian writer Paul Goma has expressed his solidarity with the civil-rights movement in the CSSR. More than 200 compatriots joined this action. In his political diary, of which DER SPIEGEL publishes excerpts, Goma describes how the Romanian Party and police reacted to the opposition.

Tuesday, 25 January 1977

At 1200 hours I was with Breban [SPIEGEL footnote: Nicolae Breban, Romanian writer, former Central Committee member, expelled from the party for public protest against the Romanian cultural policy]. Amiable, he could not grow quite warm. An hour of gossip: "reminiscences from the times as students." Then Breban reverted to his old song and dance: "The Romanians are people who wet their pants. Just look at the Czechs, Poles and Russians, whereas we are doing nothing..." "then let us do," I put in a friendly way. "Do," says Breban; and then, with a changed face: "Do what?" "At least what the Hungarians did; express our solidarity with the Czechs." I say, still friendly. "Aha, aha," he says, and everything grows rigid.

Breban: "So that is why you came? Am I the first whom you approach... because...?" "The first," I say, "and probably the last." "Thanks," Breban says, honestly impressed that I thought of him, and him alone, him, the first and the last.

I make up my mind, I may not reckon with him, but neither can I exclude him from a joint action. I reproduce the letter to Kohout on the typewriter, and I use the opportunity of a private exhibition of paintings with the Manoliu family [SPIEGEL footnote: Carmen Manoliu and her son, Sergiu, both nonconformist painters without public orders. Both were allowed to go to Paris in March].

There I behave as usual (perhaps Breban's "time to reconsider" has disconcerted me) like a rhinoceros. The FRG cultural attache has hardly released my hand when I hand him a copy of my letter to Kohout. The man is terribly startled, wants to withdraw, but where to? I press a copy into his hand.

He takes it, having no other choice. He murmurs something that he wants to give me his calling card. He takes out his wallet, puts it away again: Sorry, he has no calling cards left. "Nor have I," I say. "Please write down my address." He writes it down with a shaky hand.

Mrs T, who has watched the scene and also tries to escape, likewise is handed a copy. "Yes, surely; but I am only a diplomat's wife." "It does not matter; just take it to your husband," I say. When I ask the Manolius later, they admit that I really was very tactless. This makes me even madder.

Saturday, 29 January

I suggest to the Manoliu family an open letter on behalf of several people. They are startled, finding the draft too vehement. I admit that and accept a different proposal.

Tuesday, 8 February

The eight of us sign the open letter to the Belgrade Conference: Adalbert Feher, metalworker; Emilia and Erwin Gesswein, musicians; Paul Goma; Carmen and Sergiu Manoliu; Ana-Maria Navodaru, translator and wife of Goma and Serban Stefanescu. The others send copies on their ways, I on mine.

Wednesday, 9 February

Radio Free Europe reports that I have written to Kohout.

Wednesday, 16 February

2000 hours: Telephone call from Geneva: Orasanu (exiled Romanian) who had been the cellmate of Comrade (he emphasizes that word) Ivasiuc [SPIEGEL footnote: Romanian writer killed in Bucharest during the earthquake on 4 March 1977], sends congratulations and promises that the Romanians in Switzerland will do everything in their power.

Thursday, 17 February

1400 hours: TRIBUNE DE GENEVE, telephone interview.

1500 hours: "Radio Malmoe"--called off again. The girl did not even know as much French as I do.

1600 hours: Telephone call from a Saxon from Munich: that he is on my side.

2230 hours: The first kick: An unknown party on the telephone: "Have they not locked you up yet? Just wait, we will do that. Why is our country still patient with you? How much traitor's pay did you get? Who is paying you? I call him an asshole and secret-service man. He immediately calls back again: the same record.

When he calls for the third or fourth time, I ask him: "What is your name anyway, hero?" He does not reply immediately. I can hear him consulting somebody else. "What does the boss say?" I say. "What name does the chief give you?" "Ionescu," the hero says (in Romania as common as "Meier" or "Mueller" in German).

Until 2300 hours telephone calls with invectives from three different people who alternate like in a volleyball game and try to disguise their voices: They threaten to kill me, to cut my child to pieces, to...my Jewish pig of a wife....

2300 hours: New tactics, a "Professor Mironovici" admonition on a higher level: That I probably do not know what I am doing...including all the patterns.

2315 hours: "Professor Luisa Maria Cristescu," (obviously a high school teacher): She is nearly crying. "What you have done to me, Mr Goma. What a situation into which you have plunged me. In school today I had to unmask you, but the children, who often hear [Radio] Free Europe because of the music, told me that it is not true that you are a traitor."

Friday, 18 February

1030 hours: "Professor Cristescu from Suceava": "You insult our intellectuals. You are a great fool, you pig!"

I do not know to what "professor" I then dared to pose the question: "What is the matter, dear brothers? Did you have a congress of professors at the end of which you were given a bottle of beer, a telephone coin and my telephone number?"

Until 1415 hours: More telephone calls from "professors."

1415 hours: Telephone: "I would like to join in...(It is interrupted--I believe it is for the first time that the guys interrupt conversations with sympathizers).

1430 hours: As I go out on the balcony to hang up the laundry of our little one I see my father-in-law. He signals to me that the front door is locked. I tell Ana [SPIEGEL footnote: Goma's wife] to go down to see who locked the front door in broad daylight, and why. Being curious I also go down about a minute later. Standing between the two glass doors is an old policeman who is just checking the identity document of a tenant.

I want to ask him about his authorization, but the man responsible for the block tells me not to start a discussion with the policeman. We, the tenants, can go out, and, perhaps, in again, if we prove that we are tenants. Strangers may not.

1700 hours: I learn only now over Radio Free Europe that Ceausescu has delivered a very rough speech. I gradually begin to understand the police guards.

Between 2000 and 2400 hours: Again an alleged professor, Sorin from Craiova; in addition, "Ionescu, the secret-service man" several times, with the same invectives and threats; then his colleague whose name allegedly is "Ion"; the an "Engineer Stancu from Brasov," who hurriedly abuses me and hangs up.

I make my preparations for the night: I squeeze my desk into the entrance door; I put all empty bottles of the house within reach, likewise all weapons: the meat beater, several knives, a stick. We left the light burning all night. For periods of about 2 to 3 minutes I fell asleep. Heavy traffic outside: cars going around corners on two screaming wheels, policemen (in uniform), a crowd of plainclothesmen in leather coats (typical attire of the intelligence-service people) and all sorts of things with antennas..... Dawn broke at long last.

Saturday, 19 February

0830 hours: A voice: "I would like to join too..." (interrupted).

Between 0900 and 1200 hours more interrupted accession calls by telephone and invectives--which are not interrupted.

1200 hours: I go to see Breban. En route followed by four or five individuals plus two to three cars. Breban receives me friendly. Don Stan is with him; they are discussing the protective cover for the "proclamation." When S. has gone, Breban tells me that at a meeting with Burtica [SPIEGEL footnote: member of the Romanian Politburo and deputy premier, Central Committee secretary for ideology and culture] he had been asked by the latter whether he wanted to arrange a meeting with me.

I ask Breban when this meeting took place. He is embarrassed. Then he says that he cannot remember, then he says last week.... I ask him why he has not told me anything until now.

1300 hours: I proceed to the tower block where the Manoliu family lived. It happens that Sergiu Manoliu is in the street. We try to go upstairs. Two guys in leather clothes, very polite but firm, do not allow us to do that. They advise us to walk back and forth in the street. The argument of the guards: ...A congress is taking place at Palace Hall 200 meters away. I call Ana from a telephone booth, and she tells me I should visit our friend, Doina Tanase (wife of writer Tanase, who, by then, had already gone to Paris).

I got a taxi. Two cars and a truck with a strange antenna are following us. I let the taxi wait in front of Doina's house and then we drive home. The same cars and the same truck are accompanying us. My driver begins to blame those people who are squandering tons of gasoline while they, the taxi drivers, are getting 20 liters only....

Tuesday, 22 February

1100 hours: I am with Breban. He just gave an interview to the Federal German Television System. I heard that the "chief" of the team was running away as if a tarantula had stung him when he heard that I would be visiting Breban. (I learned later that they had come to Romania because of me, but that the authorities had turned down their requests two times).

1115 hours: We are with the Central Committee. Breban was greeted by the officer of the guards at the gate (he has read all his books). He does not even want to see his identification card. Of course, he wants to see mine. He did not twitch.

1145 hours: We may enter. Burtica, slimmer and less bloated than he looked on the picture, an affable but somewhat stern smile: For a handshake with me he stretches out both hands, one for the handshake, the other for a pat on the shoulder--but he does not touch the shoulder. I am not so much excited, but stiffened.

When we are sitting on both chairs in front of his desk, Burtica is asking us with hands and eyes: Why did you want to see me? Breban thanks him for his politeness in receiving us. He thanks him for the help rendered in regard to Breban's book. Then he makes the following introduction: "As I already told you Goma, I would like to have the book published in Romanian and in Romania." I feel nailed down.

Burtica told me that the party did not object to my letter written to Kohout. The fact that I showed solidarity with the Czechs does not contradict the position of the Romanian Communist Party--because it, too, always stresses its solidarity with the Czechs.... I interrupted him there: "With what Czechs, and when?" He did not answer. He said: "We have permanent problems in our talks with the Soviets." I said: "I have read nothing of this in our press..." He went on speaking, telling me that my assertion that Romania has been occupied by the Romanians was wrong and slanderous. I said something like: During Soviet occupation times the people "comforted" themselves by maintaining that the evil came from the foreigners, but the foreigners have left, and the cause is as bad as ever.

Then we touched on my books--Breban saw to it. Burtica told me that in my case--and not just in my case--both sides have made mistakes and that he would try to iron out what others had fouled up. He is no author and not competent in regard to literature. He is an electronics engineer, to whom the party entrusted the ideological sector. He said that he promises

nothing to me in regard to my books. If I wanted to show them to him, he would read them, and, if he considered them ripe for printing, he would have them printed. Breban and I interrupted him there: Is it not a shame that a deputy premier must handle things which ought to be handled by officials?

Burtica replied: "The fate (the life) of a man is worth dealing with for at least an hour." Breban talked about me and the way in which certain "officials" were treating us. Breban also touched on the Balzac translations. He had not finished the sentence when Burtica pressed a button: "Comrade Dobrescu, yesterday we discussed the translation made by the wife of Paul Goma. Have it done immediately!"

This Dobrescu obviously wanted to say that the translation must pass through something (censorship, of course), but Burtica said: "You do not send it anywhere. You have it printed immediately!" Breban applauded, standing up. I said: "I am thanking you for something for which I should not thank you." Burtica did not understand that....

I do not know any more how we began to discuss the measures the secret service had taken against me in the past days. He said: "It was a special order of Comrade Ceausescu that no measures should be taken." I told him about the disconnected telephone and the threats. Apropos threats, he told me: "I know some people personally who were shocked by your statements. It is understandable that some of them express their indignation." I told him that these "indignant people" could not have known that I have a child and that my wife is Jewish.... He did not answer that.

When we were putting on our coats in the anteroom, he came out. His son [was] waiting for him, 10 years old, young pioneer, crosseyed. (When I told my wife Ana about it later on, she blamed me for not asking Burtica how he would feel if somebody threatened him with cutting up his son...well, the women!)

1545 hours: The doorbell rings. I open the door. A woman stands there, maybe 50, fat, with an artificial fur coat, [and] a young man with spectacles. She said: "Does family so-and-so live here?" I: "No madam. Look at the list of tenants." I want to close the door, but the woman keeps me carefully from doing it.

She says: "You are..." I say: "I am not so-and-so." She says: "I know. I did not look for them but for you."

"Don't you want to come in?" I ask. "I am afraid because of the boy," she says. And the boy: "Will you stand all this?" I was shrugging my shoulders. I think I said that I cannot do anything else. They left.

Monday, 28 February

1200 hours: I am writing the second letter to Ceausescu.

1330 hours: Another hero is at the telephone: "How much money? I will hit you with my car. Tell me where you are going and I will hit you..." When I ask my hero about his name, he said after a while: "Ion."

1420 hours: Dr Teodorescu is visiting: "We want to be people not cattle." He does not want to get a passport for leaving. He wants to live like a human being.

1620 hours: A telephone call. A girl from Bistrita is at the phone. "I would like to..." (interrupted). Snow is falling; terrible weather. Filip is nervous. He becomes furious easily (son of Gomas, 18 months old). He cries and is discontent with everything. He must be feeling the tension in apartment 20.

1740 hours: A call from Italy: telephone interview: Of course he insists on Eurocommunism. I say that now, during the fights for human rights, Eurocommunism would have the best chance of proving its efficiency.

Tuesday, 1 March

A new phase: The telephone does not ring, but I lift the receiver now and then. In 90 percent of all cases, I speak with somebody for a few seconds. Ana takes turns with me.

2000 hours: What a coincidence: I lift the receiver and hear the voice of G. I tell him to say quickly what he has to say. But...we are not being disconnected. We begin to chat. Then it begins to bore us. He hangs up. Then I lift the receiver again to talk to the parents-in-law.

But I hear G, saying: "It still is you? I do not know what happened. I hung up but the coin came back. I wanted to dial another number." I said: "Our connection remained. Something seems to have gone wrong with these guys." And then I hear two panicky voices (obviously in a room where a Radio Bucharest program was received): "Gosh, what did we do? We got stuck on the detour shift..."

"Well," I said, "it is you Ionescu? You have fouled up the matter. Your taping device broke down." Together with G. we are making fun of the guys who are unable to repair their taping device. Suddenly my Ionescu says: "Hang up!" I say: "You are asking me to hang up? This is asking a bit too much my dear Ionescu. But tomorrow I shall tell Burtica who is the enraged public opinion: the telephone taping service."

Friday, 4 March

0730 hours: Somebody (Adam?) suggests setting up an "action committee for talks with the government..."

1330 hours: "We are six citizens from Timisoara. The people of the passport office sent us away..." (disrupted).

1700 hours: Among four congratulations, a justice official who wants to kiss me (of course, the kiss gets disrupted).

1800 hours: The father-in-law tells me that there are three guys in a car waiting at the door.

2000 hours: A call from New York, the Human Rights League: Some sort of message is being read to me, of which I understand very little (jamming filter).

2130 hours: Earthquake

I have put down these notes with shaky hands at about 2345 hours, when I returned home. Zero hours: Ana was downstairs with the dog. I had taken down the dry laundry from the balcony, and I just wanted to put it on hangers, when the floor began to sway. When the lamp began to shake I said loudly: "Earthquake!" And I dashed into the next room. I picked up Filip (he was asleep) and stopped in the bathroom door.

The lamp in the room was shaking very hard, and I remember that I was unable to make a step forward. I heard no noises--or I failed to register them. There was some rustle maybe.

While the shaking went on, I was asking myself what the guys at the door might be doing. Then there was a blank in my mind: The way from the anteroom to the staircase. I know nothing for about 10 to 15 seconds. So I do not know how I got the anteroom door open. There were shocked people on the staircase, but no panic. I said: "Do not get excited! Do not get excited!"

It was said that the center was damaged very much. Radio Bucharest did not broadcast. Radio Free Europe continued its normal program. No news. Those who had cars put their families in and drove into the open.... At about 2330, we decided to return to the apartment. Next to the apartment door--not locked for the first time in so many weeks!--we deposited the most significant things we wanted to take along in case of a new quake.... We slept in our clothes, Filip, too. We slept deeply.

Saturday, 5 March

0800 hours: Despite the earthquake the secret-service people continue taping the telephone. But it functions...for the "nonsigners."

(On 4 April Paul Gomas was arrested, and his family was deported to a peasant house without a telephone, at the outskirts of Bucharest. After a hunger strike in the cell, the civil-rights advocate was released on 9 May in the course of an amnesty granted on independence anniversary.)

CS0: 2300

ROMANIA

DECREE ON PROPERTY TRANSACTIONS AFFECTING OFFICIALS

Bucharest SCINTEIA in Romanian 28 Jun 77 p 3

["Decree on Measures Referring to the Concluding or Juridical Documents of of a Patrimonial Nature by Personnel of Central and Local State and Public Bodies and of Other State Institutions"]

[Text] In accordance with the principles of socialist law, ethics and equity, the personnel of state and public bodies and institutions must always display a high moral conduct and must solve all matters within their competence in a principled manner, strictly in accordance with the law and with the legitimate interests of the citizens, without deriving thereby any material gain, in one form or another aside from their lawful remuneration.

To enhance the authority and prestige of the personnel employed in state and public bodies and institutions, and to prevent any suspicion in regard to their activities, the Council of State of the Socialist Republic of Romania decrees:

Article 1--The personnel of central and local state and public organizations, and of other state institutions, detailed in the present decree, may purchase valuables only from state or cooperative socialist units.

Article 2--It is prohibited for the following classes of personnel to acquire from private individuals--through purchase, donation or exchange documents--houses, cars, works of art, furniture, jewelry or other objects of similar value:

- (a) managerial personnel, technical execution, economic, and other specialized and administrative personnel of ministries and other central state bodies, and of local state administration bodies and their specialized bodies;
- (b) political, public and mass organization activists;
- (c) managerial, specialized, executive and auxiliary personnel of the units of justice prosecutor's offices, state arbitration and notary bodies;

(d) military and civilian cadres of the Ministry of National Defense and of the Ministry of Interior, with the exception of civilian service personnel;

(e) management personnel in educational and health care units;

(f) management and specialized personnel of the National Cultural Heritage Directorate, of offices dealing with the national cultural heritage and of art museums.

Article 3--It is prohibited for personnel of the Ministry of Interior, units of justice, prosecutor's officers, state arbitration or notary bodies, the members of judgment commissions and other jurisdictional bodies to conclude sale-purchase documents or any other legal documents of a patrimonial nature, regardless of the nature or value of the object in question, with persons who have filed petitions with those bodies, who are under penal investigation or are involved in litigation, or persons whose property is subject to foreclosure.

Article 4--The provisions of the present decree also apply to cases in which one party to the legal document is the husband or wife of the persons listed in articles 2 and 3.

Article 5--The provisions of the present decree do not apply to a purchase, donation or exchange document concluded between relatives within the third degree of kindred.

Article 6--Legal documents concluded in violation of articles 2, 3 and 4 are null and void before the law.

Article 7--Violation of the provisions of the present decree will incur penal, disciplinary or civil punishment, according to the case.

(signed) Nicolae Ceausescu, president of the Socialist Republic of Romania

CSO: 2700

YUGOSLAVIA

'TANJUG' DISCUSSES POLISH MEDIA REACTION TO BERLIN CONFERENCE

Belgrade TANJUG Domestic Service in Serbo-Croatian 0631 GMT 18 Jul 77 LD

[Text] Warsaw--The first anniversary of the Berlin Conference of European Communist and Workers Parties was marked in the Polish media in a modest way; but this should probably not be taken to mean that the Polish Party diminishes the value of any principle adopted at that meeting of the top representatives of the European workers movement. On the contrary, in all the declarations and similar documents of bilateral contact with the representatives of the communist and workers parties of Europe, it was always stressed the importance of the Berlin Conference for, among other things, "consolidation of the European revolutionary movement."

Admittedly, the inconspicuous publicity given to the conference anniversary--the review was written by the party organ, TRYBUNA LUDU, on the day of the anniversary--could give rise to different thoughts, especially as priority is given to the assessment that this conference "was without precedent both by the number and by the rank of its participants." It also points out the "political, ideological and program importance of the document adopted in Berlin" with the observation that "the meeting of European communists ended with a great success and that it has found a place forever in history of the struggle for peace and social progress in Europe."

However, the main emphasis has been put on the importance of this meeting for peace and relaxation of tension, pointing to the "profound human vision of the peaceful development of Europe" given by the document adopted at the Berlin Conference. All this is linked with the European Security and Cooperation Conference [CSCE] and with the stipulations of the Final Act adopted in Helsinki "whose result, among other things, is the present meeting in Belgrade," as is specifically pointed out in the Polish party organ.

It is believed in Poland that certain postulates of the Berlin Conference go further than the CSCE stipulations, with the reservation that this is not a comparison between the one and the other conference and that what

is at issue is the high assessment accorded to CSCE at the Berlin Conference. The Berlin Document is quoted to give added weight to this point. As could be expected, on the occasion of this anniversary the article did not fail to pay tribute for the initiatives for peace and detente in Europe to the political-military grouping of the Warsaw Pact member countries--primarily to the Bucharest meeting of its top body--and to the 25th CPSU Congress, and especially to its general secretary, Leonid Brezhnev, "for his persistent, consistent and principled activity in this field."

As far as relations between the communist and workers parties are concerned, the fact that differences in the international workers and communist movement existed and still exist was accepted here a long time ago. They are considered to be an objective reflection of the different conditions in which individual parties operate, and, without a doubt, this refers also to the Polish United Workers Party [PZPR]. This is why no exceptional attention is paid to these problems--this is the impression one gets--with a result that the present polemics on "Eurocommunism" was discussed almost marginally. The anniversary of the Berlin Conference itself afforded an opportunity to point out once again the stance of the Polish Party, which is that it is "guided by the top objectives of the unity of the communist and workers parties."

"As indicated by the Berlin Conference," TRYBUNA LUDU said the other day, "this unity, this international solidarity and this irreplaceable weapon of the fraternal parties is possible and necessary today as always in order to realize the historic stipulations of the Berlin Conference successfully."

"They are inspired by the unswerving faith in the Europe of peace, in peaceful coexistence and in social progress. The ideals proclaimed by the Great October Socialist Revolution 60 years ago."

The article proceeds also from the fact that together with the Italian Communist Party, the PZPR was one of the organizers and initiators of the Berlin Conference, and so it is stressed again that the document adopted at the conference "helps the Polish Party to establish bilateral and multi-lateral links with other parties." In this context reference is also made to the possibilities of cooperation between the Polish Party and the social democratic and other progressive parties and movements, both in the West and in the world in general.

The article sees this as representing the comprehensive nature of the Berlin Document and the joint and united intention of all the participants in the Berlin Conference. It notes in this context that "even the most determined opponents of the Berlin Conference now seem to have desisted from denying the historic significance of its stipulations."